

The Convention on Cultural Diversity

- An analysis of the United States' material interests and normative obligations at stake

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Acknowledgements

This thesis deals with the issue of safeguarding cultural diversity and is consequentially something I have a great interest in. Languages play a fundamental role in the attempt to safeguard cultural diversity. I am eager to promote threatened languages, including the use of Norwegian in academic research. I must therefore ask the reader who share my concern to forgive my double moral as I write this thesis in English. However, I feel it is appropriate to do so considering the chosen topic dealing with a matter in international politics and because almost all my data are only available in English.

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Unnecessary to remark, all errors in this study are solely my responsibility.

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Abbreviations

CSIS - Center for Strategic and International Studies

EU - European Union

GATS - General Agreement on Trade in Services

GATT - General Agreement on Tariffs and Trade

GDP - Gross Domestic Product

IR - International Relations

OECD - Organization for Economic Cooperation and Development

UIS - UNESCO Institute for Statistics

UK - United Kingdom

UN - United Nations

UNDP - United Nations Development Programme

UNESCO - United Nations Educational Scientific and Cultural Organization

U.S. - The United States of America

WIPO - World Intellectual Property Organization

WTO - World Trade Organization

1. Introduction and research question

“We observe nowadays that ‘culture’ attracts the attention of men of politics: not that politicians are always ‘men of culture’, but that ‘culture’ is recognized both as an instrument of policy, and as something socially desirable which it is the business of the State to promote”(T.S. Eliot 1948)

1.1 Culture and globalization

Today we can see a domination of American and European culture. Such dominance stems from the strength of these economies, which is argued to derive from an imbalance in international trade, flow of goods and services, and division of labour (Rousset 2004: 3). The same dominance can be seen when considering cultural products and services such as film, music and literature. In the United States (U.S.)¹ for example, cultural goods and services are the number-one export (Frau-Meigs 2002; Siwek 2004), and the country along with Great Britain and China account for 40 percent of the world’s cultural exports (Oppenheimer 2006). In transition to a knowledge-based economy, cultural industries (also called “creative industries” or “core copyright-based industries”) have become the fastest growing sector of the world economy (UNESCO 2005). The growth is most noticeable in the industrialized countries where the creative sector has been a driver for the rest of the economy the past few decades (Rousset 2004: 4). Developing countries are also gradually experiencing a similar trend, especially in Southeast- and East Asia and South America.

The growth potential of material and immaterial cultural resources and its impact on national and local economies are increasingly being recognized as a key driver for socio-economic development and an important component in the fight against

¹ In this study, the terms ‘the United States’, ‘U.S.’, and ‘American’ will be used, all referring to the United States of America.

poverty (Rousset 2004). However, cultural resources are also considered important as they bring beauty into people's lives and contribute to a sense of community by reinforcing cultural identity (Asia-Pacific Broadcast Union 1999: 1; Marques 2005).

Globalization can be a profoundly enriching process, opening minds to new ideas and experiences, and strengthening universal values of humanity (Matsuura 2002). However, the same forces of globalization are having enormous impact on societies and cultures around the globe as they pose a threat for the world's cultural diversity and heritage. Capital and information flow freely across borders. The economic dimension of globalization, which provides for faster business transactions, has resulted in a form of capitalism that makes cultural regulations challenging. Joseph Schumpeter (1975) characterized capitalism as a process of "creative destruction." While the phenomenon may help propel economic development, many people around the world are questioning the impact that the worldwide expansion of the capitalist model is having on the most precious aspects of their identity. For many people, their own cultural values are too important to put a price tag on, and no destruction can be considered "creative" (CSIS 2006). Traditional practices, languages, and forms of arts are disappearing, and once lost they are difficult to retrieve. What constitutes 'the arts' and 'culture' seem to be reduced every year, as people's traditional cultural diversity is diminished (Sheaffer 2005: 1). This is especially true for the world's languages. As an example, only 10 percent of the 6000 living languages of today are recognized as "safe". Over 50 percent of all languages are classified as "moribund" (that is a language not taught to/learned by children of a language group) and will most likely die out by the end of the 21st century. This will lead to a tremendous linguistic loss, which is only *one* aspect of the cultural losses we are potentially facing (Shaeffer 2005: 1; Russell 1996: 139-156).

1.2 Protecting and promoting cultural diversity

Safeguarding cultural diversity has over the past two decades been a major concern for United Nations Educational Scientific and Cultural Organization (UNESCO), the United Nations (UN)' agency specifically charged with cultural issues. The concern

was furthered emphasized in the organization's Mid-Term Strategy for 2002-2007 in which 'safeguarding cultural diversity' was pointed out as one of three major strategic objectives for the cultural sector of the organization.

Mahatma Gandhi once expressed: "I do not want my house to be walled in on all sides and my windows to be stuffed. I want cultures from all the lands to be blown about my house as freely as possible. But I refuse to be blown off my feet by any"². This quote is most relevant when it comes to the relationship between culture and globalization, and it is quoted in numerous UNESCO documents as it represents the goal of the organization to safeguard cultural diversity while simultaneously encourage communication and free flow of ideas across borders (Desai 2002: 63-64; Rousset 2004: 16). Several programmes are set up within the organization aiming to protect and promote cultural diversity and contribute to socio-economic development.

In a series of actions to safeguard cultural diversity, UNESCO approved the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (hereafter referred to as the "Cultural Diversity Convention" or "Convention on Cultural Diversity") during its General Conference on 20 October 2005. This is the first Convention that exclusively addresses the protection of cultural diversity, with emphasis on tangible cultural expressions. It is a legal instrument intended to give an additional tool to governments to guard their national cultural identities from global influences by giving States Parties³ the right to "take all appropriate measures" to protect their culture.

An overwhelming 148 Member States voted for this Convention, only four abstained from voting⁴ and only two voted against: the United States and Israel. The U.S. government worked hard to try to change the voting result (New 2005), and a week before the adoption, the U.S. Secretary of State Condoleezza Rice visited Paris to

² Mahatma Gandhi quoted in The World Commission Report on Culture and Development (1995: 221).

³ 'States Parties' is the official name of UNESCO Member States adopting a Convention.

⁴ Australia, Nicaragua, Honduras and Liberia

influence the outcome of the voting. She also sent letters to all the Member States expressing her “deep concern” over the Convention.

This high-level official involvement on a seemingly low-politics issue as ‘culture’ is typically perceived to be in international politics, arouses curiosity of the underlying rationale for the United States’ behaviour. The research question that this thesis seeks to explain is therefore:

What can explain the United States’ opposition to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions?

1.3 Factors motivating the United States’ behaviour

Behaviour of a key actor in international affairs raises important questions about the factors motivating actions, especially the role of norms and interests in international relations. To analyse the possible factors that motivated the United States to vote against the Cultural Diversity Convention, I will rely on three key concepts represented by Richard K. Herrmann and Vaughn P. Shannon (2001) in their study on the role of norms and interests in American foreign policy: (1) material interests, (2) felt normative obligations, (3) perceptions of the situation. The behaviour of the United States in any particular case can be attributed to a compound of factors, and identifying the mix of material concerns and feelings of moral obligations is a controversial task (Herrmann & Shannon 2001: 621). The concepts will however be used to guide me in the research and argument analysis although I will not be able to quantify their relative effects. Herrmann and Shannon’s theory will be elaborated in Chapter 2.

Washington criticized the Cultural Diversity Convention for being “open to misinterpretations” arguing that it could have effects on trade, which would clearly expand the mandate of UNESCO. Analysing the importance of cultural industries in international trade and, in particular, the impact of this industry on the American economy, may provide an understanding of the U.S. government’s fears for the Convention’s possible effects.

Throughout this study, the conflict over the Cultural Diversity Convention will be compared to the debates on the doctrine of ‘cultural exception’ during the GATT (General Agreement on Tariffs and Trade) multilateral negotiations in the Uruguay Round in 1993. The term ‘cultural exception’ concerns the regulation governing policies in the cultural sector in international trade agreements (Torrent 2002: 17). The idea behind the ‘cultural exception’ was intended as a way to legitimize Member States’ applications to implement measures supporting local creations and productions of cultural goods. The liberalization of the audiovisual industry was at the centre of the debates. This industry is considered as one of the hardest cases for globalization concerning movement of cultural goods (Cowen 2002: 99). The two camps in opposition under the negotiations were:

- The “Free Traders” (or hyper liberals according to the European countries) represented by the United States who favoured total deregulation of protective policies. The free-traders rejected any idea of protecting cultural goods and services as these objects are considered as any other type of merchandises. Interference of the state in the cultural sector does not encourage creativity, rather the opposite. This camp considered “cultural exception” an elitist, retrograde concept infringing the freedom of expression (Idées de France 2006).

- The “Exceptionists” (or the “protectionists” according to the United States) fought to preserve the distinctive values of cultural goods and services by legitimising the regulatory and financial intervention of public authorities in correcting international distortions resulting from the market economy. They argued that culture and more specifically audiovisuels should not be included in the list of liberalized sectors as free flow of cultural objects will lead to erosion of cultural values and identities in the receiving societies (Trautmann 1999). The camp consisted of the Western European countries and Canada with France in the lead.

After bitter exchanges during the final days of the Uruguay Round that nearly collapsed a final agreement, the American team conceded to the Exceptionists’ wishes and accepted that no commitments had to be made in the audiovisual sector in

the GATS (General Agreement on Trade in Services). The agreement was a result of trade-offs between the audiovisual industry and the heavily protected shipping industry in the United States (Goff 2000: 534; Lillerud 2006).

The relationship between international trade and culture is particularly interesting for at least two reasons. First, it makes salient the contrasting attitudes held by advanced developed nations with regard to the regulation of cultural industries. Secondly, trade talks, processes driven primarily by commercial considerations, provide a unique window on the intersection of culture and economic interests and, thus highlight the normative influences on trade policy (Goff 2000: 534). In order to answer the research question it is necessary to scrutinize this troubled relationship between corporate interests and the role of culture in a society, which was a fundamental issue in the disagreements over the ‘cultural exception’ as well as to the Convention on Cultural Diversity. Both disputes will be seen in relation to each other throughout this study. An objective of this study is then also to understand to what degree the American position on the Cultural Diversity Convention relate to the conflict over the ‘cultural exception’ in the early 1990s, although this is not explicitly formulated as part of the research question.

The intention of this study is *not* to evaluate the effects international trade has on cultures or whether or not the Cultural Diversity Convention provide the right means to achieve cultural diversity. Also, this study does not differentiate between “high” and “low” culture. Rather, in the framework of the Convention, I focus on the United States’ position and views on trade in cultural products within an international context, and analyse whether their view derive from an economic or a normative aspect, or both.

One can argue that the United States was negative to the Cultural Diversity Convention as it fears the possible economic loss of reduced export of its cultural industries and a weakened position as the world’s dominating cultural power. Regulating the flow of cultural expressions may reduce the access to and appeal of the American culture, and more specifically the American way of life outside its

borders. This argument of securing its *material interests* will be assessed in order to explain the American opposition to the Cultural Diversity Convention.

Washington claimed that they were defending freedom and democratic principles when voting against the Convention. They argued that the text would threaten the free flow of ideas and could be used by governments to restrict what their citizens can watch, read and listen to. The Convention may as such be used to justify government censorship, particularly against ethnic minorities (Bridges Weekly 2005) - clearly against the overall goal of UNESCO. The United States also argued that restricting the free flow of cultural goods and services will not encourage cultural diversity, but rather the opposite; cultural diversity will flourish when ideas can freely move across borders. The drafting processes of the Convention were also criticized by the American delegation who argued that: “[in this case] UNESCO’s normal spirit of openness and dialogue was not followed” (Oliver 2005). Adding up, one can argue that the United States voted against the Convention due to felt *normative obligations* to protect fundamentally democratic rights for citizens around the world, to promote their perception of what is the appropriate manner to safeguard cultural diversity, and to maintain the standard procedures in UNESCO’s work.

1.4 Cultural politics – a neglected field in the study of international politics

Issues surrounding culture and globalization have received less attention than the debates which have arisen over globalization and, say, the environment, urbanization, or labour standards. This is partly because cultural issues are more subtle and sensitive, and often more confusing (CSIS 2006). Jeremy Rifkin (2000) argues that the conventional powers that have long believed to divide the world into two spheres of influence: commerce and government, are now challenged by organizations representing the cultural sphere - rural life, health, food and cuisine, religion, human rights, the family, women's issues, ethnic heritage, the arts and other quality-of-life issues. As Rifkin puts it: “[They] are pounding on the doors at world economic and political forums and demanding a place at the table.”

Cultural knowledge and understanding are likely to play an increasingly important role for human communication and development. Culture and cultural industries have a potential to contribute significantly to sustainable economic growth. The relationship between culture, politics, and economics, and more specifically the protection of cultural values in relation to the forces of globalization is an uncharted territory for many policymakers as well as for International Relations (IR) scholars. Although there has in recent years been a renewed interest for cultural matters in IR, the concept of culture is typically treated as an independent variable, used as a tool to explain something else.

Tension, confusion and conflict are in many cases the result as people struggle to adjust to an increasingly integrated and multicultural world. There seems to be an urge for many people to return to old conventions and traditional cultures and values as they represent something familiar and predictable. Without a secure sense of identity amidst the turmoil of transition, people may resort to ethnocentrism and intolerance (Ayton-Shenker 1995). Cultural Rights, an integrated part of the Universal Declaration of Human Rights, allow every human being to have the right to culture, including the right to develop and enjoy cultural life and identity. Within research and discussion on Human Rights, 'Cultural Rights' is an unduly neglected topic. Again, this reflects the diffused nature of culture and the difficulties of dealing with it in international politics and in academic research. However, there seems to be an increased awareness to cultural matters in both fields. Concepts such as "Cultural Wars" and "Clash of Civilizations" are more frequently applied to explain the political situation of our time. This study will enter into an emerging discussion addressing political approaches and coordination of cultural matters in the era of globalization - a debate I strongly believe will increase in importance.

1.5 Methodological considerations

The adopted research strategy is a case study - a method for inquiry into a phenomenon in more depth (Yin 2003). It is appropriate to pay attention to some methodological challenges this study faces, in particularly to concerns over validity

and reliability of this project. In qualitative research such as this, construct validity is of great significance to the quality of the study. I consider this case to be of a complex nature and rather unique in relation to other cases. Internal and external validities are therefore not of primary interests as I do not attempt to uncover causal mechanism or to generalize to other cases.

‘Construct validity’, which involves the correct operationalization of the concepts being study, is a challenge when dealing with variables such as ‘material interests’, ‘normative obligations’ and ‘perceptions’. I take certain portion of this study as exogenously given. In this study, the state is considered as the main actor in international relations. Although organizations and corporate interests, such as art- and cultural organizations and Hollywood lobbyists did play a role in shaping the American opposition to the Convention, the United States is perceived as a unitary rational actor seeking to maximize well-defined material interests while simultaneously making an appearance of being a fair player with strong morality. Normative obligations are however also considered to be a true motivating force, and not only an obstacle to utilitarian calculations. I do not make any claims concerning where material interests and norms derive from, or whether or not they are constructed.

This study is in particular challenging from a methodological perspective when it comes to dealing with the term ‘perception’. Analyzing perceptions of the actors involved in political processes requires an understanding of these actors’ mind-sets and access to these people; preferably through in-depth interviews about their thoughts and ideas. Considering my position, I am not able to get such a thorough understanding of the role of perceptions. The main level of analysis looks at the state-level in understanding the formulation of a specific foreign policy, not at an individual or systemic level. However, while the state remains the main level of analysis, I attempt to keep the structure as flexible as possible in order to incorporate the term ‘perception’ as a force motivating actions, although the term is not directly linked to a known individual.

1.5.1. Sources and interviews

The Cultural Diversity Convention was adopted by the UNESCO General Assembly in October 2005, approximately a year ago on the day of writing, and it has not yet been ratified by the necessary 30 States Parties in order to enter into force. The amount of available data is consequently limited. In addition, there are obvious difficulties in obtaining necessary information on the political processes and dynamic negotiations that have taken place in UNESCO. Meeting reports from the organization do not usually mention names of Member States, but rather use phrases such as “some nations expressed concerns...” Although one might suspect who these nations were, this study avoids making such assumptions.

In order to meet these challenges, I adopt a strategy of using multiple sources of evidence. I rely on reports from meetings in UNESCO and official documents from the American State Department as well as analyses from distinguished newspapers and internet sources. This study is also based on various statistical reports from UNESCO, the World Bank, and the International Intellectual Property Alliance on the role of cultural industries in trade. In addition, a selection of academic literature on the conflicting relationship between capitalism and culture, such as the conflict over the ‘cultural exception’ in GATS, will be used for my purpose. I also base this study on a short analysis conducted by Tristan Rousset (2004) on how the United States and France perceived various drafts of the Convention ahead of the final adoption. This work uses Cowen’s (1998) theory of cultural optimism and cultural pessimism as a foundation for analysis. I will use this theory when analysing ‘normative obligations’. The theory will be further elaborated in Chapter 2.

I have been fortunate to conduct in-depth interviews with five respondents. Three of them are UNESCO staff members, one is a high-official diplomat at UNESCO; all of them have an extensive knowledge and insights to the processes surrounding the Convention. The fifth person, Kjell Lillerud, from the Norwegian Ministry of Foreign Affairs, is a specialist on World Trade Organization (WTO) and was directly involved in the Uruguay Round and in the debates concerning the ‘cultural exception’

issue. The interviews were structured as guided conversations⁵ and took place in June 2006 at UNESCO's Head Quarters and in September at the Norwegian Ministry of Foreign Affairs. The four people I interviewed in Paris want to be anonymous. I have to respect their wishes, although it may hurt the reliability of the study. However, as this study is based on a number of different sources, I do not consider it to have seriously consequences for the outcome of this study. In addition, I feel confident that the messages that were conveyed at the interviews have been interpreted correctly as the sources have agreed to notes I made from the interviews.

The respondents' position, rank, awareness, trustworthiness, and political affiliations may cause challenges for the validity of the data. I can confirm that the people I interviewed were all of high rank and they were all involved in the work on the Convention, with the exception of Kjell Lillerud. I see no reason for them to not be considered trustworthy. Their political affiliation may however be an issue, but I consider them to be highly professional on this matter.

I have not been able to meet with officials from the American delegation to UNESCO. This would be of value for this study, but I have been told by the other respondents at UNESCO that they probably would have been reluctant to provide me with more information than I have been able to gain from public sources. However, I had a short telephone conversation with Tyler Cowen. He is a professor in economics at George Mason University and has written much on the relationship between culture and economics. He represented the United States at the preliminary drafting meetings for the Convention as he is considered to be an "unapologetic advocate for free markets in the cultural sector" (U.S. State Department public briefing 2005). The conversation was rather brief, but he provided me with valuable comments that parts of the analysis are based on.

⁵ I used open interview guides and have chosen to not attach them to this thesis.

1.6 Outline

The objective of this introductory chapter is to present the topic for this thesis as well as the research question. The following chapter (2) presents in greater detail the theoretical concepts developed by Herrmann and Shannon (2001) that function as an analytical tool for the following analysis. This chapter also defines and discusses key concepts and other theoretical contributions. Another theory is also presented in this chapter. The theory describes two different approaches to encourage cultural diversity and is central to this study in order to analyse ‘normative obligations’. Chapter 3 presents in greater detail the empirical material for this case by focusing on the background of the Convention and its content as well as the past relationship between the United States and UNESCO. The analysis is divided into two chapters; Chapter 4 presents findings related to how material interests can explain the U.S. opposition to the Convention, whereas Chapter 5 considers the normative obligations that the United States claimed to defend when voting against the Convention. Herrmann and Shannon’s concept of ‘perception’ is incorporated into both of these chapters by considering the specific situational factors which the U.S. officials were faced with at the time. Finally, Chapter 6 summarizes and concludes the empirical observations and provides recommendations for further studies that can add to a rather limited selection of observations that this thesis presents.

2. Theoretical and conceptual framework

"An ounce of action is worth a ton of theory" (Friedrich Engels)

The theories that will be used for my purpose are not directly given as the research question is not formulated based on *one* or *specific set* of theoretical arguments. I will take a supporting-theory approach to understand the motives behind the American attitude towards the Cultural Diversity Convention. The aim of this thesis is not to conduct theory testing. I will allow the theories to function as perspectives, helping me to explain a complex reality. The theories will guide me through my arguments by shedding light on the case; rather than letting the case attempt to verify or falsify the theories. The main focus will be on the dilemmas in the relationship between economy, culture and power. In the following, theories and definition of key concepts and issues will be presented.

2.1 Material interests, moral obligations and perceptions

The analysis will, as argued in chapter 1, be structured based on three concepts presented by Herrmann and Shannon (2001) in the article "Defending International Norms: the Role of Obligation, Material Interest, and Perception in Decision Making". Herrmann and Shannon argue that 'material interests', 'felt normative obligation', and 'perceptions of the situation' can be analyzed in order to explain the motives behind American foreign policy. The authors define 'material interests' "as economic and military assets that are valued by the U.S. leaders". 'Normative obligations', in contrast, are defined "as collective expectations about the proper course of behaviour that identified actors should follow in specific situations". In other words, Herrmann and Shannon concentrate on *prescriptive norms*. Such norms can of course be enforced by instruments of power, such as institutions and market

forces that are concerned about their reputation. However, compliance at this point, is not a product of the normative appropriateness but of utilitarian calculations (Herrmann & Shannon 2001: 623). 'Perception' will in this study be defined as "cognitive representation of the circumstance and the context in which foreign policy decisions are being made" (Herrmann & Shannon 2001: 624).

The dichotomy postulated by many between morality and interests, between idealism and pragmatism, is a standard cliché of the ongoing debate over international affairs, although no such separation is expedient (Mayer 2006: 6). Constructivists have more recently joined the debates pointing at the problems of assuming rather than problematizing norms and interests. They argue that norms shape interests and therefore the two concepts cannot be logically opposed⁶. However, these academic disputes will not systematically be addressed here. Like Herrmann and Shannon, this study adopts a strategy to deal with these terms in a way that directs the attention away from norms and interests *per se* and towards the different patterns of reasoning that can be connected to behavioural choices. Material interests and normative obligations are assumed in a broad manner and will not be further debated or questioned.

Later on in this study, I look at how the three concepts can be combined. Perceptions then come to play a crucial role. First, Herrmann and Shannon argue that perceptions of a situation can evoke a felt normative obligation and lead to behaviour defending a norm. Second, desires to advance material interests may run counter to the moral obligations and thus bias perceptions of the situation. This may lead to a perception in which material interests are complimentary with moral obligations. Third, normative duties may structure the perception of a situation and will as such affect the construction of material interests (Herrmann & Shannon 2001: 622-623). However,

⁶ For an introduction to constructivism in international relations, see among others Finnemore, M. (1996): *National Interests in International Society*, Ithaca and London: Cornell University Press

one must keep in mind that there is no unflawed approach to disentangle utilitarian and deontic⁷ calculations in political processes.

Herrmann and Shannon build their arguments on the terms ‘logic of consequences’ and ‘logic of appropriateness’ developed by James G. March and Johan P. Olsen (1998) in the article “Institutional Dynamics of International Political Orders”. The terms were developed to understand and anticipate institutional dynamics whereas Herrmann and Shannon use the logic of these terms to explain the variation in the enactment of norms in U.S. foreign policy. ‘Logic of consequences’ and ‘logic of appropriateness’ are two opposing systems of reasoning concerning human behaviour and interactions. The first system is based on a pattern that arises from negotiation among rational actors pursuing personal or collective objectives. In order to reach desired objectives, human or state actors are thought to choose among alternatives by evaluating their likely consequences and are conscious that other actors are doing likewise (March & Olsen 1998: 949). Actors are seen as willful and aware of own resources, preferences, and the consequences of actions. Theories based on consequential actions are however criticized for seeing politics as a system that can be decomposed into autonomous sub-systems that are linked hierarchically (March & Olsen 1998: 950). ‘Logic of consequences’ ignores the uncertainties and the specific situational factors that are involved when interactions find place between multiple actors. Actors and their identities and preferences are treated as unproblematic as they are defined *a priori*. This is a fundamental difference from the tradition of ‘logic of appropriateness’ which includes cognitive and ethical dimensions. Supporters of this view argue that actors seek to fulfill the obligations encapsulated in a role either of its own or within a political community and the ethos and expectations of its institution (ARENA website 2006). As such, theories based on this view incorporate a greater complexity and acknowledge the distinctive socio-cultural ties and the inter-subjective understandings that seem to impact individual and collective interaction.

⁷ The term derives from deontological ethics.

Herrmann and Shannon (2001), like March and Olsen (1998) recognize that the logic of material consequences and normative appropriateness are not mutually exclusive and that they often seem to lead to the same behavioural choice. This is why Herrmann and Shannon incorporate a third variable in their study; the mind-set of political actors involved in the political decision making: perceptions. Herrmann and Shannon argue for the necessity of including this variable as situations will be perceived differently depending on what actors are involved. Perceptions are required in the construction of material interests or prescriptive norms, and are as such naturally related to the motives behind actions. Perceptions at the agent level are critical to understand the variation in the enactment and the defence of prescriptive norms or material interests (Herrmann & Shannon 2001: 626). Despite the difficulties in identifying the effects of each causal system and the implications of obtaining a comprehensive understanding of the perceptions of the actors involved, the three concepts will function as a set of key variables explaining the United States' attitudes towards the Cultural Diversity Convention.

Herrmann and Shannon's study is based on a survey conducted in 1997 in an attempt to explain the variation in norms enactment by disentangling the effects the three variables play in the formation of American foreign policy. Their main concern was to question why a well-known and respected norm is sometimes defended by the United States and sometimes not - the aim was not to question the existence of a norm itself. The results from the survey are based on a large sample of U.S. elites (514 people), including State Department officials, business leaders, officers from the military, religious leaders, labour unions, and university professors (who conduct research in the field of IR). Many of the targeted respondents were political decision makers; all of them were political opinion leaders. This, as Herrmann and Shannon argue: "[allowed] us to distinguish between idiosyncratic peculiarities and general patterns". Their "bottom-up" strategy avoided stereotypes and "provided empirical foundation for generalizations about the ideational landscapes in the country" (Herrmann & Shannon 2001: 623).

The questions in the survey were mainly related to possible American invasions and occupation of a number of countries where American interests and violation of descriptive norms were at stake. The survey was divided into three parts. The first part asked questions designed to measure basic foreign policy disposition. The second part consisted of twelve experiments each representing a hypothetical political situation, whereas the last part collected social and demographic information. Herrmann and Shannon present two of the experiments in depth: “Repel an Aggressor” and “Defend a Victim”. The authors argue that the chosen method made it possible to take advantage of the experimental design and to manipulate the research material to uncover possible patterns. Information given to the respondents would vary concerning which states were involved (or if their identities were kept secret), whether a victim was democratic or non-democratic, types of conflict, and the clarity of normative obligations and economic interests at stake. Although the cases in the survey were hypothetical and not so compelling as “real-world” cases would be, Herrmann and Shannon (2001: 647) argue that the experiments would give no advantage to either material interest or moral obligations and that the basic relational patterns in the results would hold.

The findings from the study were fairly robust across ideological divisions. Agent-level perceptions seem to play a crucial role in decisions to act in compliance with either an interest or a norm. The authors argue that this is an important finding. Just as constructivists scholars argue that we are continuously dealing with constructed norms and interests, we also need to address the construction of situations, unless of course, we believe that construction processes are determined uniformly for everybody by an objective external reality (Herrmann & Shannon 2001: 650). Herrmann and Shannon therefore argue that it is crucial to link together structural- and agent-based theories in order to understand the context in which decisions are being made and to better explain the ways norms and interests operate in international relations. The findings imply that political leaders in the United States clearly defend norms - sometimes. They are most likely to do so when economic interests are not at stake. Material interests seem to motivate more actions than felt normative obligations when the two conflict, although the latter force of motivation almost

always seems to be considered by decision makers. The assumption they provide is then, that the United States tends to formulate its foreign policy with an intuitive realist inclination, although the role of norms can not be excluded as a motivating force. Herrmann and Shannon find that one way of explaining the variation in the enactment of norms is to focus on the perceived clarity of the normative violation and material interests at stake.

As mentioned, the survey was conducted between June and September in 1997, and thus captures a snapshot of the current political situation. The attitudes and logics of reasoning at that time may not have prevailed until the fall of 2005 in which the case I will analyze occurred. It is important to be aware of the political changes that have taken place since, perhaps most importantly, the presidential and bureaucratic shift in 2001 and the terror attacks in September 2001 and the following war on terror; events which stirred up many of the patterns of how politics is conducted, both nationally and internationally. Using a theory based on a different political environment may cause problems for the validity of this study. However, I will argue, as Herrmann and Shannon, that their findings are general enough to be applied to a number of cases. The basic idea of acting in accordance with descriptive norms and gaining material interests is still desired and are not of any less significance today than in 1997. U.S. foreign policy continues to a large extent to be justified by the use of norms, often as a mean to gain material interests⁸. In addition, the chosen case concerning a UNESCO Convention dealing with culture is typically perceived as a ‘low politics’ issue in which fundamental questions or key questions related to a state’s survival are not addressed. ‘Low politics’ are typically dealt with by the bureaucratic institutions using standardized procedures that are relatively stable over time (Evans & Newnham 1998: 310). I will argue that Herrmann and Shannon’s study and findings can be applied to ‘low politics’ matters.

⁸ For general arguments concerning this debate, see among others McElroy, R. W. (1992): *Morality and American Foreign Policy*, Princeton, NJ: Princeton University Press.

As we will see later, material interests and fundamental democratic rights may be at stake as they are closely related to the Convention on Cultural Diversity.

Analyzing the cognitive perceptions of the respondents reinforced the importance of ideas as explanatory factors, even though Herrmann and Shannon do not give any explanations whether such ideas are shared by the international community, as argued by constructivists, or if ideas are based on perceived power and threat, as claimed by neo-realists. The method employed to identify the impact of ideas is well-known from social psychology but rather unusual in the study of IR, and therefore represents uniqueness to the study of Herrmann and Shannon. The variation in norm enactments and the role of material interests is a phenomenon that has received much attention among IR theorists. Norms have been considered to be part of a “worldwide ideational structure” (Herrmann & Shannon 2001: 650), but little attention has been paid to the critical role situational factors play. It is the perception of a situation that determines the level of importance and the attention a certain subject-matter will receive, and thus decides what type of politics the matter should be classified as, and what measures are to be implemented (Hansen 1969).

As opposed to Herrmann and Shannon, I do not have the advantage of doing research within a setting of experiments. I will therefore not be able to manipulate the research material in order to identify the effects of material interests and felt normative obligation and how the cognitive understanding and perceptions of the actors involved in the work of the Cultural Diversity Convention operated. This represent a challenge in achieving a thorough understanding of the perceptions of the American actors involved with UNESCO’s work, and will consequently bias the finding of the result. Material interests and felt normative obligations will therefore be emphasized in this study. However, I will argue that it will be more rewarding to include perception as an independent variable in this study, than not to. As I am not in the position to scrutinize perceptions as an independent variable, the analysis will, for practical reasons, depart from a level of structure rather than a level of agent. I will however, attempt to link the two levels. As described above, Herrmann and Shannon

argue that linking the two levels provide the best way to explain how norms and interests operate in international politics.

The main goal of the study at hand is not to contribute to the scholarly debate on the role of norms and interests in international relations, in general. Previous academic debates concerning this issue will not be further elaborated. I have chosen a theory which is considered to be fundamental for how the United States operate in international affairs to function as a background in constructing my arguments. The aim is not to conclude to the overall trend of how norms and interests are defended by American political decision-makers, although this study may contribute to studies that analyse the place of culture in economics and politics.

2.2 Definitions and clarifications

Before moving on to another theoretical contribution to this study, I find it appropriate to define and clarify certain key-concept. In the following, a brief discussion of ‘globalization’ in relation to culture, ‘culture’, ‘cultural diversity’, ‘cultural industries’ and ‘cultural hegemony’ is presented. Towards the end of this chapter, I present a theory that provides two opposing views on how culture evolves in modern capitalistic societies. This is necessary in order to understand the different normative obligations states feel when dealing with cultural affairs.

Globalization seen from a cultural perspective

One of the overwhelming trends in the 20th and 21st century is globalization, characterized by the free flow of capital, technology and labor across borders under ever-converging international standards to achieve the best arrangements of profits (Ho 2004). This is not a new phenomenon, but with the development of information technologies the processes of globalization seem to be both qualitatively and quantitatively different than in the past (Rousset 2004: 9). For example, it took television 13 years to acquire 50 million users whereas the Internet took only five years (Zwingle 1999: 12). Globalization is not just about economic principles; it also entails an increase in the frequencies of cultural exchange and circulation of

information and ideas. It is perhaps in the cultural arena that globalization that is most visible and immediate in our everyday life. Despite the fact that cultures and cultural expressions are constantly evolving, the magnitude of cultural evolution is without comparison with previous development (Rifkin 2000: 170). Globalization, in the extension of market principles, highlights the culture of economically powerful nations, leading to new forms of inequality, thereby potentially fostering cultural conflict rather than cultural pluralism (UNESCO 2006a).

Culture

‘Culture’ is an elusive concept which invokes different meanings for different people (Skelton in Tucker 1997). Defining the term is therefore a challenging task. Etymologically the word ‘culture’ refers to the verb ‘cultivate’ in the agricultural sense. The concept of cultivating the soil was transposed in the sixteenth century to the notion of cultivating the mind and the intellect of a person (Rousset 2004: 8). In the nineteenth century the concept of culture was applied more broadly to define both the intellectual and spiritual evolution of a person or a society (Throsby 2001: 3-4). Culture can be defined in a broad manner which incorporates “... every aspect of life; know-how, technical knowledge, customs of food and dress, religion, mentality, values, language symbols, socio-political and economic behavior, indigenous methods of taking decisions and exercising power, methods of production and economic relations and so on” (Verhelst cited by Tucker 1997)⁹. Culture is continuously changing with the passage of time, though not in a linear manner.

The term ‘culture’ will here be used interchangeably with the term ‘the arts’ as culture also has a functional orientation and is as such likely to appear as an adjective in addition to as a noun, as in for example ‘cultural industries’ (Throsby 2001: 4). This is a more narrow definition which this study adopts. What constitute the

⁹ For more definitions and discussions related to the concept of culture, see among others Geertz, C. (1973): *The Interpretation of Cultures*, New York: Basic Books

differences between ‘culture’ and ‘arts’ are matters of degrees, but they both cover man-made artefacts or performances which expand our awareness of the world and ourselves. The blurry distinctions will not be elaborated further.

Cultural diversity

The concept of ‘cultural diversity’ has been compared to the one of ‘biological diversity’. Numerous species of the planet’s diverse fauna and flora have over millions of years developed an astonishing variety of life forms which are tightly interwoven in an eco-system where each part is dependant on all others for survival (UNESCO 2000a: 38-39, Rousset 2004: 16). The same observation can be made in respect to the rich and complex mosaic of cultures, the ‘cultural eco-systems’. UNESCO claims that adequate cultural policies at local, national and international level are required to preserve and promote the world’s cultures, in the same manner that ensuring our bio-diversity requires efforts of its own. Cultural diversity can be seen as the engine through which inspiration, heritage and empowerment can be maximized as capacities, and culture is therefore a central matter as it provides the context in which economic progress occurs (Universal Declaration on Cultural Diversity 2001: 15).

‘Cultural diversity’ has become an expression of the overarching objective to prevent the development of a uniform world (UNESCO 2000a: 39), but as will be discussed later, ‘cultural diversity’ is a multi-faceted concept and does not necessarily bring positive associations to something “good” and “important”. Opponents of the basic idea of *preserving* cultural diversity typically deny the validity of culture as something constant. Proponents of this view emphasize that culture is not static, but should continue to evolve. This debate will be further elaborated in Chapter 5.

Cultural industries

In the past few decades, many countries have turned increasingly to the production and export of cultural goods and services. This segment of the new world economy comprises a group of industries that can loosely be identified as *cultural industries*

although ‘industry’ is not to be understood in a traditional sense of manufacturing. Cultural industries will here be defined as “those industries which produce tangible or intangible artistic or creative outputs, and which have a potential for wealth creation and income generation through the exploitation of cultural assets and production of knowledge-based goods and services (both traditional and contemporary)” (UNESCO Bangkok 2005).

The term has constantly demanded a clarification as to what it actually means (O’Connor in Power & Scott 2004: 37-39). There is no correct way of distinguishing ‘culture’ from ‘economics’ as they often seem to transcend. This has created a statistical debate concerning the attempts to achieve quantitative knowledge of the sector. The term ‘cultural industry’ is not clear on “what is in” and “what is out” as most available and reliable data focuses on the *international* flow of cultural goods and services, typically only on copy-right products, and do not measure the impact the sector has at regional and national levels, which especially is a concern in measuring the impact the industry has in developing nations. Definitions of cultural industries will therefore be based on subjective criteria, as O’Conner (in Power & Scott 2004: 38) argues: policy makers will by defining the term “[tell] a convincing story about the meaning of contemporary culture [in a society]”.

Cultural industries have in common “raw materials” that are based on creativity, cultural knowledge and intellectual property; skills recognized as a fundamental source for growth and development in post-modern societies (Santagata in Power & Scott 2002: 77). ‘Creative industry’ is another term used interchangeably with cultural industries. It takes into account a wider view of the creative processes than the more traditional view of the industry, specifically including areas such as software, advertising, and architecture (UIS 2005: 14).

The world trade in cultural products of all kinds more than tripled in the 1990s much due to the development of the Internet (Rifkin 2000: 184). Cultural products and the value they carry are no longer restricted by national borders. Cultural products when exported through the media market affect the lives of millions of people around the

world and shape their collective consciousness (Colonna in Burstein & Kline 1995: 299). Modern lifestyle, which is characterized by increased demand for cultural and creative goods and services, has transformed the cultural industries. This has occurred in parallel with the developments in copyright protections (UNESCO Bangkok 2005).

Core copyright-based industries are defined as “those industries whose primary purpose is to produce or distribute copyright materials” (Siwek 2004: 4). This includes some sort of exclusive protection given to persons over the creations of their minds, typically for a certain period of time. Core copyright industries include book publishing, recording, music, newspapers and periodicals, motion pictures, radio and television broadcasting, computer software (including business application and entertainment software), fashion design, and jewelry and partly architecture and industrial design. Stephen E. Siwek (2004) argues that there are three other groups that make up the entire copyright industry along with the “core”. This includes the non-dedicated-, partial-, and interdependent industries. They all support the core industry in their process of creation, production and distribution, and will therefore be determined by the size of the core¹⁰. Today, the core makes up approximately half of the total copyright industry (Siwek 2004: 4).

With the new economic structures, it is becoming increasingly difficult to distinguish between sectors in the traditional sense. ‘Cultural industries’ is an example of a blurry concept that is difficult to clarify. The term will, in this study, be used interchangeably with ‘creative industry’ and ‘core copyright industries’ as the differences between them are often vague. This is especially true when referring to the industries in developed nations where creativity is typically protected by strict law enforcement such as various intellectual property rights (UNESCO Bangkok 2005).

¹⁰ World Intellectual Property Organization (WIPO)’s model developed to measure the economic impact of cultural industries (Rousset 2004: 12).

Cultural hegemony

Charles P. Kindleberger (1973) argues that powerful nations are founded on ideologies with broad international appeal. This is a basic requirement for power and ascendancy outside one's own borders where other societies and nations adopts (often without realizing it) a certain value system and attitudes other than one of its own. Using culture as a tool to achieve power will most likely increase in importance (Melby 2006). Robert O. Keohane (1984: 137) argues that a hegemon "seeks to persuade others to conform to its vision of the world order and to defer to its leadership", in other words, creating an international subjective awareness of its leadership. This is, among other things, efficiently done by controlling the cultural intermediaries that carries a specific cultural content and thereby determining the parameters of lived experiences of millions of people (Rifkin 2000: 185). This has clear similarities to the term 'cultural imperialism' in which powerful nations influence smaller and less influent states through export of culture and styles (Cowen 2002: 134). The term 'cultural imperialism' is understood differently in particular discourses. Cultural imperialism can take the form of an active, formal policy or a general and more implicit attitude (Tomlinson 1991). Cultural hegemony will here refer to the latter version of the term in which individuals living outside the hegemonic power voluntarily embrace its culture, values and language which contributes to an international consensus necessary to the hegemon to maintain the existing economic and ideological order (Keohane 1984: 137). It is a commonly held view that the United States holds the position as the world's cultural hegemon today due to its major influence on the world economy, both in structure and in total numbers.

Rifkin (2000: 185) argues that the geopolitical struggle of today concerns the fight over access to local and global culture and the channels of communications that carries cultural content, whereas the geopolitical struggle of the colonial and neo-colonial time was fought in relation to ownership and control over local natural resources and labour pools. This view is contributing to a new awareness to the conceptualization of security in which cultural matters receive greater importance

than in previous times. Creating and maintaining cultural influence outside one's own borders are thus important, not only from an economic aspect but also from a security aspect.

2.3 Cultural pessimism and optimism: two ways to approach culture

A fundamental question concerning the role of culture in a market economy is whether free trade in cultural products destroy or support artistic and cultural diversity (Cowen 2002: 4). An intellectual debate over this question has emerged and two competing normative views have arisen. Cowen (1998) focuses on the relationship between market economy and culture in his book *In Praise of Commercial Culture*. He presents two views on cultural development: 'cultural pessimism' and 'cultural optimism'¹¹. Understanding the difference in these approaches is crucial when I later analyse the normative obligations that the United States claimed to defend when voting against the Cultural Diversity Convention. The two approaches both share the same assumption that culture plays an invaluable symbolic role in any society. The main difference is based on a profound disagreement over whether cultural business should be handled primarily as any other business (cultural optimism), or if it should be considered as a matter of national patrimony and thus requires special treatment (cultural pessimism).

Cultural pessimism

'Cultural pessimism' takes a negative view on modernity and market exchanges as it is believed to have unfavourable effects on culture. T. S. Eliot (1948) illustrated such a pessimistic view when he wrote almost 60 years ago:

"We can assert with some confidence that our own period is one of decline; that the standards of culture are lower than they were fifty years ago; and that evidences of this decline are visible in every department of human activity."

¹¹ Although Cowen functioned as a representative of the United States to UNESCO in relation to the Cultural Diversity Convention and thereby played a *political* role, I argue that it is unproblematic for my purpose to use his *academic* work as a framework when analysing 'normative obligations'.

Cultural pessimists argue that states are increasingly unable to handle cross-border flow of information, ideas and resources that affect cultural development. The spread of cultural values, and more specifically American cultural values, is causing growing concerns for a homogenized global culture where English prevails and other languages carrying its own shared meaning, expressions, values and understanding of the culture dies (Rifkin 2000: 185). Market forces are believed to damage the qualities of cultures by lowering its standards and are as such a threat to cultural diversity. Defenders of this view are based on prominent groups with long intellectual history, ranging from the neo-conservative intellectuals represented by Daniel Bell and Irving Kristol to the adherents of the Frankfurt School (Cowen 1998: 7). These two groups respectively see the combination of culture with technology, capitalism and mass media as causing moral relativism and loss of cultural unity, acting as a force of domination rather than a force of liberation and free expression. The free market is considered to degenerate the quality of cultural productions (Cowen 1998: 10). Naomi Klein, author of *No Logo* (2000) presents a cultural pessimism view by arguing that the market-driven globalisation does not want cultural diversity, as the “enemies” of globalization are identified as “national habits, local brands and distinctive regional tastes”. Cultural pessimists encourage governments to actively involve itself in cultural affairs in order to regulate the “external effects” the capitalistic order has on culture and thereby assuring that culture benefits all citizens.

Cultural optimism

Cultural optimists have a more positive view of the free market’s effect on culture. Capitalist wealth is believed to stimulate artistic production, and supporters of this view argue that the arts tend to flourish in a modern liberal order, specifically in the United States. Artists are seen as suppliers that must interact with a market regulated by voluntary exchanges. Cultural goods should be treated just like any other goods operating in the market. The meeting of supply and demand fuels and promotes creativity and thus create a rich variety of niches in which artists can find the means to satisfy their creative desires. The capitalistic society free of state intervention will in other words support and encourage cultural diversity.

Although this perspective on cultural development does not derive from prominent intellectual schools, cultural optimism has nonetheless attracted a number of contemporary writers and scholars. Cowen (1998: 9) presents three positions of cultural optimism positions. The first view suggests that artistic expressions are more rich and diverse in capitalistic democracies than in any other political order. This is a view Cowen defends. The second version of cultural optimism goes much further by making a political prediction that liberal order will remain prominent for many years to come, a view Francis Fukuyama (1992) presents in the *The end of history and the last man* (although this view lies somewhat beyond the purview of Cowen's theory). The third version of cultural optimism argues that the arts will flourish precisely because the capitalistic order is doomed and will be replaced by a superior system, such as the communistic system. This is a view Cowen rejects. Cowen considers capitalism as a tool allowing market access to minority groups, despite systematic discrimination. He illustrates this argument by, among other examples, referring to how black rhythm and blues musicians in the United States could distribute their music through independent record companies when they were turned down by the major companies in the 1950s and 1960s (Rousset 2004: 29). Cowen (1998: 6) also lists how the culture of our era has produced long-lasting achievements in cinema, abstract expressionism, pop art, dance, architecture, graphic and commercial design, jazz, rhythm and blues, rock and roll, genre fiction, the short story, and the bibliography, just to name a few.

The cultural optimism theory as represented by Cowen is important in order to understand the long tradition of a non-intervention policy in cultural affairs in the United States (Rousset 2004: 35). It is considered a fundamental idea of the nation that creative forces are free and not controlled or dictated by the state. This illustrates the strong position of civil society in American culture. By taking an optimistic approach to cultural development, it is *morally correct* of the government to not actively involve itself with creative matters. Visions of a society where ideas are not controlled or regulated existed even from the founding days of the United States. Thomas Jefferson wrote in 1813:

“[i]f nature has made any one thing less susceptible than all others of exclusive property, it is the action of thinking power called an idea [...] ideas should freely spread from one to another over the globe, for the moral and mutual instruction of man, and improvement of his condition, seems to have been peculiarly and benevolently designed by nature.”¹²

Cowen’s theory is a significant contribution to the ongoing academic debate on the relationship between culture and economics which is roughly mirrored by the positions states take in international negotiations (Van Grassek 2004: 6).

¹² Letter from Thomas Jefferson to Isaac Mc Pherson, 13 August 1813, *The Writings of Thomas Jefferson*. (Ed.) Lipscomb, A. A. and Bergh, A. E., Vol. 20, Washington: Thomas Jefferson Memorial Association, 1905.

3. The Convention on Cultural Diversity

"Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed." (from the preamble of UNESCO's Constitution)

This chapter presents the necessary background material in order to provide an answer to the research question presented in Chapter 1. First, UNESCO's strategy to safeguard and promote cultural diversity is presented, followed by a brief presentation of the background for the Cultural Diversity Convention as well as an outline of the content of the Convention, with emphasis on the parts that the United States criticized. Later, a discussion over the terminologies that have been used in this regard is presented, and finally, the chapter briefly outlines the past and present relationship between the United States and UNESCO.

3.1 UNESCO and cultural awareness

Globalization poses new challenges to governments' ability to nurture diversity. For instance, changing technology, growing economic interdependence, international trade in cultural products, and the increasing reach of trade and investment obligations are creating new regulatory challenges and uncertainty about how states can maintain their cultural policies (International Network on Cultural Policy 2006). Many states have expressed concerns regarding the cultural consequences of this new reality, and over the past few decades, the preservation of 'cultural diversity' has been a major concern to UNESCO as well as to other international organizations, although the applied terminology and implemented efforts have changed over the years.

It is a commonly held understanding in the international community that globalization requires vigilance and rule of law. The number of bilateral and

multilateral agreements operating in the international community has accelerated with the development of new technologies and has today reached an almost infinite number. International agreements can be classified into two main groups depending on whether they are officially constraining (conventions, agreements, protocols, treaties, programmes) or not (charters, resolution, declarations, recommendations and action plans) (Rousset 2004: 20). More specifically, the term ‘convention’ is synonymous with a treaty and refers to any agreement concluded by two or more states. Such an accord implies the joint will of the parties upon whom the convention imposes binding legal commitments. A declaration in contrast, is purely a moral or political commitment without any legal bindings other than being based on good faith (UNESCO 2006b).

UNESCO is a specialized agency of the UN system established in 1946. Its main objective is to contribute to peace and security by promoting collaboration among nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms (Article 1 of UNESCO’s Constitution). UNESCO’s Constitution emphasizes that world peace cannot be founded on economic and political arrangements alone, but requires the “intellectual and moral solidarity” of humankind. As such, from the beginning, UNESCO was not primarily concerned with culture for the sake of culture, but rather using culture as an asset to promote peace (Adams 2003). Today however, safeguarding culture in all of its aspects is a clearly stated goal of the organization.

3.2 UNESCO’s three pillars supporting cultural diversity

UNESCO is the only global organization with culture in its mandate. A significant number of programmes and conferences have been organized to advocate and renew its commitment to cultural diversity. UNESCO’s strategy has been based on three complementary lines of actions, often referred to as the ‘three pillars supporting cultural diversity’. The organization’s effort is embodied in three conventions equally designed to preserve various aspects of culture.

The first convention, the '*1972 Convention concerning the Protection of the World Cultural and Natural Heritage*', most commonly associated with the 'UNESCO World Heritage List' was created to encourage the identification and preservation of cultural and natural heritage considered to be of "outstanding value to humanity". The Convention deals with the physical diversity in heritage, and its mission is to encourage States Parties to the Convention to nominate sites within their national territory for inclusion on the World Heritage List (World Heritage Centre 2006). The Convention, often referred to as UNESCO's 'flagship', has been ratified by 182 nations (per April 2006) which is a very high number compared to other international conventions. The United States kept its membership and commitment to the '1972 Convention' throughout its period of reassignment from UNESCO from 1984 until 2003, illustrating the high status of this Convention. Although concerns have been raised over Western European countries' domination of the number of sites on the World Heritage List, and thus achieve greater recognition for its culture and economic benefits from accumulated tourism, there is generally little controversy on the content of the '1972 Convention' itself.

UNESCO gradually became aware of the importance to safeguard the diversity of intangible heritage throughout the 1980s and 1990s as globalization escalated causing major effects for this type of "soft heritage". Intangible heritage consists of the cumulative and dynamic body of knowledge possessed by peoples with histories of interacting with their natural surroundings (UNESCO 2006c). The broad spectrum of expressions embedded in social and cultural practices, such as language, oral traditions, skills, rituals, and cosmogonies are especially fragile as human interactions and surroundings are changing. A distinction to the '1972 Convention' was created when UNESCO adopted the '*2003 Convention for the Safeguarding of the Intangible Cultural Heritage*'. The Convention focused on intangible heritage by alerting the international community to the importance of this type of heritage and its essential role in preserving identity and diversity ("Second Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity" 2003). The aim was to ensure recognition to the value of particular parts of intangible heritage as well as encourage States Parties to recognize its own communities and groups and its traditions of

intangible heritage threatened by “political and socio-economic instability, deterioration of the environment, uncontrolled development of tourism and folkloristic overkill” (Matsuura in the “Second Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity” 2003). The Convention encourages States Parties to take concrete actions to safeguard and promote such pieces of heritage. Over fifty nations have so far ratified the Convention. The United States voted in favour of the adoption of this Convention, but has not yet ratified it. The content of the ‘2003 Convention’, just as the ‘1972 Convention’, is considered relatively uncontroversial in its character (interviews 2006).

As opposed to the above-mentioned Convention on intangible heritage, the 2005 Cultural Diversity Convention primarily deals with *tangible* cultural expressions. The Cultural Diversity Convention is the first constraining international agreement affirming the singularity of cultural goods and services among other consumption goods. As such, the Convention seems to have entered the tense discussion between the partisans of free trade and defenders of the protection of culture against the forces of globalization (Rousset 2004: 5). It therefore appears that the Convention has risen above the level of UNESCO’s mandate and is competing with international agreements concerning trade.

The origins of the Cultural Diversity Convention is related to the intellectual debates concerning whether international trade is a threat to cultural diversity or not. These debates emerged simultaneously with the escalation of globalization and the widespread use of information technologies. An increased awareness of the role of culture in relation to development and trade led to a series of studies initiated by UNESCO’s Director-General in 1994 as well as to the establishment of the *International Network for Cultural Policies* in 1998 linking Ministers of Culture from 68 nations to conduct studies as well as to promote cultural objectives.

Culture was, throughout the 1990s, increasingly incorporated as an element in development programmes. In 1998, closing the World Decade for Cultural Development, UNESCO organized an intergovernmental conference in Stockholm

that stressed the importance of cultural diversity and identity for social and economic development. The conference concluded that it was time to bring culture “in from the margins” and to place it in the centre of policy-making concerning sustainable development, both in developing and developed countries.

3.3 Content of the Cultural Diversity Convention

In the wake of the terror attacks on September 11, 2001, UNESCO unanimously adopted the “Universal Declaration of Cultural Diversity” in order to “reaffirm [the] conviction that intercultural dialogue is the best guarantee of peace,” as Koïchiro Matsuura, UNESCO’s Director-General put it (preface to the Universal Declaration of Cultural Diversity). The Declaration was the first comprehensive standard-setting instrument to raise cultural diversity to a level of high importance. It states that cultural diversity “is embodied in the uniqueness and plurality of the identities of the groups and societies making up humankind” and that diversity is a vital “source of exchange, innovation and creativity”--as vital “as biodiversity is for nature.” Cultural diversity is as such considered as “the common heritage of humanity and should be recognized and affirmed for the benefit of present and future generations.” The Declaration has the same legal extent as the Universal Declaration of Human Rights and the document was given the form of a constricting international law when it was used as the main outspring for the drafting of the Cultural Diversity Convention in which France and Canada took the lead.

The Convention, as finally adopted, is a product of two years of negotiations, and will enter into force once 30 governments have ratified it. The text affirms that cultural diversity creates a rich and varied world that should be cherished and preserved. The text acknowledges the fundamental role of the respect for human rights and of freedom in the name of culture and traditions, including the recognition of cultures belonging to minorities and indigenous people. The Convention consists of 36 articles concerning common definition, principles, scope of application, and rights and obligations of States Parties. Central goals of these articles are to legitimize cultural policy as equal to other fields of policy, as well as to encourage States Parties to take

an active approach to culture as part of their national policies by adopting regulatory measures to “provide opportunities for domestic cultural activities, goods and services” (Article 6). States are also encouraged to co-operate internationally by supporting cultural industries in developing countries. The wording of the Convention considers public policy as proper tools to counterbalance market forces.

A central point to the Convention is the acknowledgement of a specific double nature of cultural goods and services consisting both of an economic and cultural aspect. The Convention states that the parties are “convinced that cultural activities, goods and services, both have an economic and a cultural nature, because they convey identities, values and meanings, and must therefore not be treated as solely having commercial value”. The Convention gives its parties the “sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory”. The Convention stresses that its content is not of any less importance than other international instruments, and that State Parties shall therefore take into account the provisions of the Convention when interpreting and applying other treaties to which they are parties to (Article 20). This led to major concern regarding the Convention's potential to conflict with the content of other international agreements, in particular trade agreements, such as the WTO Agreement on Subsidies and Countervailing Measures. The United States claimed that such measures may include quotas and other subsidies and may very well be inconsistent with existing trade agreements (Idées de France 2006).

This is considered as one of the main reasons for the conflict that the Cultural Diversity Convention caused between the United States and other Member States. UNESCO argued that empowering the Convention to the same level as other international agreements would allow for greater international recognition to national cultural policies, but it was stressed throughout the preliminary drafting meetings that the Convention should have a purely cultural objective: “being of an essential cultural nature” (Report from first meeting of independent experts 2003: 7).

3.4 From ‘cultural exception’ to ‘cultural diversity’

Trade in cultural products across borders has always existed, but during the 1990s the word ‘culture’ began to crop out more frequently in the context of international trade as culture to a larger extent became recognized as a vital resource in the new economic structures (Throsby 2001: 130). The starting point for the debates on the relationship between culture and international trade concerned whether or not cultural goods and services are different from other types of commercial goods. If differences exist, then allowing some form of exception for national cultural productions shall be included in international trade agreements. If no differences exist, then interference with the free market is considered an illiberal and authoritarian restriction on consumer choice according to the principles of free trade (Throsby 2001: 132).

It was exactly this controversy that was at the centre of the debates over ‘cultural exception’ during the Uruguay Round. This conflict can be considered as one of the first Post-Cold War rhetorical confrontations to have tested the alliance between the Atlantic countries (Frau-Meigs 2002: 4). The alliance hardly seemed to question the political, strategic and military prominence of the United States, but a growing tentative resistance to the American domination in the socio-cultural sphere was starting to emerge, leading to confrontations concerning the role of cultural products in international trade (Frau-Meigs 2002: 4). In the American camp, the term “cultural exception” had negative connotations as it became associated with “a controlled market, an affirmative role for the State, a individualism dosed with social welfare and public services [...] – concepts issued from a world vision inherited from catholic rather than protestant religiosity” (Frau-Meigs 2002: 4). The American camp denied the existence of a cultural aspect of certain products and refused any debates from a socio-cultural perspective. Today, the United States is one of the very few countries that have made commitments in all of the sub-sectors of the GATS commitments, including free movement of cultural goods and services.

Towards the end of the 1990s, the conflict associated with the ‘cultural exception’ gradually led to a semantic drift away from “cultural exception” to “cultural

diversity”. The new term had the advantage of chasing away the impression of elitism and arrogance (Frau-Meigs 2002: 7-8) and provided an opportunity to the European nations, and more specifically France, to no longer appear as the party slowing the work of the WTO. It suddenly then became the United States represented by Hollywood, which was blocking the diversity in cultural expression from other countries.

‘Cultural diversity’ continues to engender intense feelings and is still considered a controversial term due to a hidden dimension other than the actual preservation and promotion of ethnic traditions and minority languages. The term functions as a buzz phrase for opposition to the cultural homogeneity of the United States (Riding 2005a). However, the term continues to represent the two previous aspects of ‘cultural exception’. ‘Cultural diversity’ is on the one hand perceived as the “essence of the most noble of modern battles” and on the other, a “hobbyhorse” of technocrats who represent mercantile interests (Frodon 2005).

Due to the troubled nature of both terms, ‘cultural diversity’ was left out of the official title of the Convention (‘Convention on the Protection and Promotion of the Diversity of Cultural Expressions’). The declaration in which the Convention was based on incorporates the term ‘cultural diversity’, but this document was adopted in 2001, two years before the United States rejoined the organization. However, the Americans refer to the Convention in short as the “Cultural Diversity Convention” in an attempt to revitalize the disagreement over its content (interviews 2006); whereas some nations and the bureaucracy of UNESCO refer to it as the “2005 Convention”¹³.

3.5 The United States and UNESCO

The United States and UNESCO have since the beginning of the Cold War had a troubled relationship. During the Cold War, ideological battles placed UNESCO at the centre of the East-West conflict where educational and cultural policies were

¹³ The Convention is in this thesis referred to as the “Cultural Diversity Convention”, a choice that is solely based on convenience.

considered as means of expressing ideological sentiment. U.S. officials cited the growing politicization of the organization, coupled with concerns about corruption and bureaucratic mismanagement as the reasons for American withdrawal from the organization in 1984 (United Nations Association of the United States of America 2006, interviews 2006). Some American right-wing forces even argued that UNESCO was equal to: “the complete destruction of the American way of life and [was] dethronement of true democratic freedom” (cited in Micklethwait & Wooldridge 2005: 59).

Since the end of the Cold War, the ideological conflict has diminished and UNESCO has undergone internal reforms, including a significant reduction in staff levels; closure of over a third of its field offices; and major budgetary and oversight reforms (United Nations Association of the United States of America 2006). In September 2002, quite unexpectedly, President George W. Bush claimed that UNESCO "has been reformed" and announced that the United States would rejoin the organization in 2003. Laura Bush travelled to Paris to lead the official rapprochement which happened just at the time when work on the Cultural Diversity Convention was intensified and a draft had just been released.

The re-entry of the United States is said to be, in addition to satisfaction with the implemented reforms, an attempt by the U.S. government to show a softer side of its foreign politics and a nod to a multilateral system at a time of heavy criticism from the international society on the country's strategies in the war on terror (Riding 2005a). As soon as the United States returned to its seat in UNESCO it was confronted with the Declaration on Cultural Diversity. After a few minor changes, the United States endorsed the Declaration, but when the General Assembly in 2003 decided to prepare a binding Convention on cultural diversity, American reluctance began to show (Riding 2005a).

Today, the United States contributes 22 percent (US\$ 134 million) of UNESCO's two-year budget of US\$610 million. Its re-entry before the General Conference in October 2003 made the country eligible for election to the Executive Board, which

makes all the important budgetary decisions. Since the Convention on Cultural Diversity was adopted, concerns have been raised over whether the United States would retaliate and cut its budget contribution, but this has not happened so far (by October 2006). The United States has argued that the voting outcome on the Convention will not affect their position in and views on UNESCO and they have proclaimed:

“[We are] rightly back in UNESCO. Our attitude should be collaborative, cooperative, and humble. There are 191 countries in UNESCO. We need to understand the diversity, variety, conflict of goals and values. It's a good thing that we're there. We're asking really key questions: What is culture? Where does it reside? And how do you protect/promote/foster it?” (Gioia 2005).

4. Analysing material interests at stake

“A friend of mine told me a story very soon after the genocide in Rwanda. He was there as a military representative accompanying an NGO tour of the area. The situation was awful. There was no infrastructure to get to the people in need. And so there were United Nations convoys that just couldn’t get through. This delegation literally sat there on the road for hours going nowhere. By the time they finally reached their destination, they discovered that Coke had already been there for two weeks distributing what they needed. That a fascinating thing – Coke got there before the UN. It shows you just how powerful the global market is and this brand in particular.... I suppose if Microsoft needs to be there, they’ll be there too.” A senior administrator for Porter Novelli (cited in Throsby 2001)

This chapter deals with how interests in material welfare can explain the United States’ opposition to the Cultural Diversity Convention. In particular, I illustrate the significance of American cultural industry by examining its impact on the U.S. economy. Herrmann and Shannon (2001) argue that ‘material interests’ consist of both economic and military assets. This chapter emphasizes the economic perspective, partly because ‘culture’ is perceived as a low-politics issue traditionally not considered to play an important role in national security policies, and also due to the lack of data that explicitly formulates any strong relations between culture and national security. However, towards the end, I argue that the American opposition towards the Convention may also be understood from an aspect of national security.

First, the American arguments against the Convention related to economic interests are presented (whereas Chapter 5 presents the American arguments related to the felt normative obligations they claimed to defend). I then provide an insight to the structure and importance of cultural industries in the global economy, before I discuss the importance of cultural industries in the United States, with special emphasis on the film-, music-, and literature industry. As mentioned, towards the end I analyse how culture contributes to national security and how this can be analysed in relation to the Convention on Cultural Diversity.

4.1 The official American arguments against the Convention related to economic interests

The United States worked hard throughout the two years of negotiation over the Convention in order to change its content and wording as well as to influence the outcome of the voting in October 2005. This work was primarily taking place at the preliminary drafting meetings at UNESCO Head Quarters in Paris, where the U.S. government was represented by its permanent delegation to UNESCO and by appointed individual experts. However, the U.S. Secretary of State Condoleezza Rice did also contribute to the efforts. Rice attended a meeting in Paris ahead of the voting, and had prior to this meeting written letters to all the ambassadors to UNESCO asking them to consider the serious consequences of the Convention. She argued that the proposed treaty could have a "chilling effect" on the ongoing negotiations at the WTO, and that the convention "[invites] abuse by enemies of democracy and free trade".

The U.S. Ambassador to UNESCO, Louise Oliver, the main voice of the United States throughout the drafting process and in the final voting, never directly argued that U.S. economic interests were threatened by the Convention, but rather, she emphasized that economic interests of *other* nations were pushing the Convention to be adopted. According to Robert S. Martin, a member of the American team at the negotiations, the Convention had in fact nothing to do with culture. "What we have seen in various press reports and official statements is that this convention actually is about trade" (Martin cited in Idées de France 2006). The Americans argued that "protecting culture" had become synonymous with "protecting one's [other nation's] market share" (Idées de France 2006).

Oliver (2005) argued that the language of the Convention contained ambiguities and was contradictory in its treatment of the flow of cultural information, goods and services. She claimed that the wording could easily be misinterpreted and misused, specifically in relation to trade issues. This could potentially authorize governments to impose protectionist trade measures in the guise of protecting culture. One of the

main concerns was that the Convention allowed each State Party to define ‘cultural expressions’ and as such legitimize governmental abuse by imposing arbitrary trade restrictions. The Americans argued that this could potentially have severe consequences if for example textiles or agricultural products such as coffee, cocoa, or wine were redefined as ‘cultural goods’ (Oppenheimer 2006). They emphasized the implications of allowing each nation to make distinction between ‘cultural objects’ and ‘objects of trade’ (Oppenheimer 2006). In particular, article 8 of the Convention was heavily criticized as it authorizes States Parties to the Convention to take "all appropriate measures" to protect and preserve cultural expressions under serious threat, as this may conflict with other international agreements, particularly those related to trade. The U.S. government argued that the relationship between this Convention and other international agreements, in particular to the WTO, was vague and needed further provisions. The principle of allowing restriction and different treatments of products with cultural content run counter to the basic principle of GATS Article XIX, sub paragraph 1 stating that trade shall strive to: “achiev[e] a progressively higher degree of liberalization”. The United States called for postponement of adoption until the next General Conference in 2007 and urged UNESCO Member States to redraft the Convention.

In 2003, at the very beginning of the drafting process of the Cultural Diversity Convention, the United States and in particular the Hollywood industry, were hoping that the Convention would be designed so that it would include what was left out in GATS by emphasizing *free flow* of ideas (Lillerud 2006). However, as this did not happen, Hollywood lobbyists quickly became worried that the Convention would nothing but reaffirm the basic idea of ‘cultural exception’. Hollywood perceived the final draft of the Convention as a supplement that restates the content of the ‘cultural exception’ concept and argued that the European Union (EU) used the Cultural Diversity Convention as part of a broader strategy to muddy the issue of ‘cultural exception’ in upcoming trade talks (Riding 2005a).

The U.S. Ambassador (2005) encouraged the international community to: “not [...] listen to some of the very broad statements that have been said in the press about

Hollywood or about some of the issues of the U.S. and cultural diversity”. Publicly, she argued that there were other reasons for the United States to vote against the Convention other than protecting their own film and television industry. However, as this analysis demonstrates, one can argue that the U.S. government feared potential economic consequences of the Convention as it may lead to restrictions of American cultural export.

4.2 The importance of cultural industries

The structure of cultural industries changed dramatically throughout the 1990s due to the development of new technologies and the arrival of (de)regulatory policies both on national and international levels (UNESCO 2000a: 19). It reorganized the context in which cultural goods and services flow between countries. As a result, cultural industries have undergone a process of realignment, internationalization, and progressive concentration resulting in the formation and strengthening of a few big conglomerates. These tendencies can be compared to the automobile industries at the beginning of the twentieth century in which the same tendencies created a new global oligopoly (UNESCO 2000a: 19). Most cultural conglomerates are located in the West, most noticeably in the United States. The American film industry, most commonly referred to as ‘Hollywood’ is one example of a dominant cultural cluster (Rousset 2006: 39).

According to the United Nations Conference on Trade and Development, the global market value of industries with strong creative and cultural components is estimated at US\$ 1.3 trillion. Since 2000, the industry has grown at an annual compound rate of approximately 7 percent (UIS 2005: 11) and is estimated to account for over 7 percent of the world’s Gross Domestic Product (GDP) (UIS 2005, World Bank 2003). However, it is suggested that the numbers are higher, but due to the specific nature of cultural goods and services and how they operate internationally, it is difficult to determine the actual size. There is no comprehensive way of measuring the domestic and international impact of cultural industries which cause problems for statistical reliability, comparability and standardization of classifications.

Trends in consumer patterns around the globe witness greater interests in products with cultural content. In the same way the operation of economic systems function within the cultural context, the reverse is also true (Throsby 2001: 10). Art and cultural activities are no longer restricted to a limited space of society in which only the elite participate. Cultural expressions can be seen in almost any branch of society, most specifically within the economic environment. Arts, perhaps most commonly expressed in tangible forms, are increasingly being utilized as assets for economic growth, bringing the two spheres of culture and economics closer together.

As cultural production has become the high-end sector of the economic value chain, marketing assumes an importance that extends well beyond the commercial realm. There has been a shift in the economy from orientation towards production to a marketing perspective. Rifkin (2000: 171) argues that this has been one of the most significant events in the history of capitalism. By the mid-1990s, U.S. businesses alone were spending more than US\$1 trillion a year on marketing. That is one out of every six dollars of the United States' GDP (Rifkin 2000: 171). There has, in recent years, been a shift in the marketing function from selling a product to selling an *experience*. The value of a product is no longer as much in the material content of the product as in the symbols and values it expresses. Jensen (1999) argues in his book *The Dream Society* that goods and services are no longer the main components in trade, but rather it is dreams. Focus has shifted from producing products to producing brands. Marketing thus concerns the translation of cultural norms and practices into commodity forms creating cultural expressions and maintaining cultural categories. This signifies the increased importance of cultural expressions in the modern economy, and it witnesses a consciousness-raising on the importance of culture and its values.

4.3 American cultural industries

In evaluating the importance of the export of cultural industries to the U.S. economy, it is important to consider, as mentioned above, the nature of the industry and the complications in measuring its impact. Much of the analysis to follow relies on data

that are based on numbers in international trade of a few selected cultural goods and services and therefore do not give a precise description of the importance of the entire industry. In addition, it is important to be aware that statistics tend to fail in measuring the accurate value of cultural products sold in foreign markets. For example, a single master version of a film print valued at a few hundred dollars in the United States' export statistics, may be shipped to other countries, and from the same master version, copies and exhibition rights and/or licence fee may generate millions of dollars in sales. Consequently, the number in the export statistics may grossly underestimate the true value attributed to that particular product (Siwek 2004: 9). Despite these inaccuracies in available data, I argue that the statistics I rely on provide good enough indicators for my analysis. Also, although most of the statistics are based on numbers from 2002 and even some from 1999, I argue that they are sufficient for my aim.

Part of the debate about culture in trade revolves around issues of ownership. The content of a cultural product will usually be associated with a specific community, although cultural content give meaning to and are highly valued by others outside the community of origin. The United States has become the "centre of world affairs, a reference, a target, a competitor, a superpower, an intruder, a liberator, [and] a symbol" (Rousset 2006: 66). One can hardly deny the economic, political and military power of the United States which have been compared to the British mid-Victorian glory, but with even greater global reach (Nye 2002: 233). The United States claims ownership of cultural products consumed daily by millions of people in every corner of the world. As such, American products have become symbols of its hegemony (Rousset 2006: 66). Despite the growing critiques of American foreign politics, whether it concerns its policies on environmental issues or its role in the Middle East, people continue to happily embrace its culture.

Typically, cultural products sell best in their home market as consumers can more easily identify themselves with the values and ideas embedded in the content of the products. However, American success in marketing its cultural products abroad is an exception (Goff 2000: 547). Although American cultural products and services lose

some of its value when exported, they do so to a lesser extent than the cultural export of other countries. Hoskins and Mirus (1988) suggest that this has to do with the commercial philosophy that dominates American cultural industries. Television programming provides an informative example (Goff 2000: 548). The tradition in the United States has been to provide programming free of charge to viewers and to finance the service by selling advertising space: maximizing revenues means maximizing audience size (Goff 2000: 548). However, programming with mass appeal makes a limited contribution to formation of a cultural identity. Appealing to a large audience that comprise various linguistic and ethnic groups requires neutralizing attributes of the product, and the producers of cultural products in the United States have therefore adopted a strategy to create products with universal appeal (Goff 2000: 548).

A growing number of products that embody American creativity is sold throughout the world, whether manufactured in the United States or overseas. As one of the largest producer of cultural products and services, the United States sees lucrative trading opportunities it wishes to exploit. International endeavours to hamper liberalization will consequentially be perceived with suspicion. The United States can afford to make very expensive movies and television programming because of a large high-income domestic market, giving it a comparative advantage in the international markets (Rousset 2006: 41). The popularity of American cultural products, and in particular the movie-productions, provides the country a capacity to affect the market conditions through the expansion of the global media, the dominant language within this market, and to affect the particular economics of the business.

The United States is leading the race to command the global markets for nearly all types of cultural products (Power & Scott 2004: 12), although in total numbers, the United Kingdom is a larger exporter of cultural goods. American firms have a privileged position because the core copyright industries have continued to outperform the U.S. economy, and are today the largest and fastest-growing economic assets of the country (Siwek 2004: i). In the 1950s and 1960s, the American movie industry competed with films made in Europe, but by the 1970s

European film-making was economically moribund compared to the United States (Cowen 1998). The American film industry has been very successful at tapping a global mass market and its global reach is unique. Today, approximately 85 percent of the world's spending on film tickets goes to Hollywood and the business earns more than half of its revenues from overseas markets compared to 30 percent in 1980 (UNESCO 2000a: 21). However, cultural industries cover more than the audiovisual sector. A growing number of American products find ways of expression through the new media and are sold throughout the world (UNESCO 2000a: 21; Siwek 2004: 9).

In 2003 the main destination of American export was high-income countries (UIS 2005: 29)¹⁴. More than one-third of the U.S. export of core cultural goods and services went to Canada (40.2%), followed by the United Kingdom (12%), Japan (5.6%), Switzerland (5.2%) and Mexico (3.6%). The high positions of Canada and Mexico can be explained by the lowering of trade barriers through the North American Free Trade Agreement. In 2002, the 'core' and the 'total' copyright industries respectively made up 6 and 12 percent of American GDP (Siwek 2004: 11, World Bank 2003) (see Table 1).

Table 1: 2002 Value Added (<i>billions</i>)		
Core copyright industries	Total of GDP	Core share of the U.S. GDP
US\$626.2	US\$10,480.8	5.98%
Total Copyright Industry	Total U.S. GDP	Total share of U.S. GDP
US\$1,254,0	US\$10,480.8	11.97%
Source: Siwek (2004)		

In 2002, the 'core' and the 'total' copyright industries respectively employed 4 and 8.4 percent of the U.S. workforce (5.48 and 11.47 million workers). The latter level approaches the total number of employment in the entire health care and social assistance sector (15.3 million workers). According to the International Intellectual Property Alliance, between 1977 and 1996, the core copyright industry in the United States grew three times as fast as the annual growth rate of the economy. The cultural

¹⁴ In 2002, revenue by U.S. foreign sales/export was almost US\$ 90 billions (Siwek 2004: 10). UIS provides a significant lower number as they do not incorporate 'computer software' to its definition of cultural goods and services.

sector in the United States is more important from an economic perspective than many other key sectors such as its chemical-, aircraft-, or agriculture industry (Vaidhyathan 2001).

As the numbers suggest, the added value of the cultural industry, reflected by the economic contribution of labour and capital, illustrates the great significance of the industry in the national economy. Table 2 illustrates the numbers of each sector within the creative industry, both globally and in the United States, and shows the United States' large share of the world's cultural production (note that the table does not indicate share of export). Unexpectedly, the software industry is the largest in the United States, representing more than one-third of the total size. Although the size of the film industry in the United States is relatively low compared to the other industries, it is one of the industries that have been most successful in exporting.

Table 2: The Size of Creative Industries in 1999 (<i>billions</i>)		
	Global	US
Advertising	45	20
Design	140	50
Film	57	17
Music	70	25
Publishing	506	137
R&D	545	243
Software	489	325
Video Games	17	5
Other	371	138
Total	2240	960
Source: Howkins 2001		

Despite this success, new trends in the world economy represent a challenge to the United States. In total foreign sales revenue for cultural industries in the United States grew only by 1.1 percent from 2001 to 2002, a dramatic decline from 1999 when growth was at 14.5 percent from 1998. Although poor economic conditions at the time affected the entire U.S. economy, illegal copying (piracy) was and continues to be a serious threat for its cultural industries (Siwek 2004: 9). Many cultural goods are

unique compared to other conventional goods as their reproducibility represent a threat to their private character (Hardt & Negri 2005: 180)¹⁵.

Although the United States is the second largest exporter of culture, it is the largest importer, making it a net importer of cultural goods in 2003 (UIS 2005: 29). The main origins of American imports were from China (30.8%) and high-income countries. The importance of the American cultural industry, and the Cultural Diversity Convention must be analyzed with regard to the enormous American trade deficit reaching US\$ 725.8 billion in 2005, up 17 percent from 2004. This is the highest deficit ever and the number will approach US\$ 1 trillion annually if it continues to grow at the current pace. As mentioned in Chapter 1, cultural goods and services are the number-one export in the United States. The industry is considered critical to continued economic growth in the country (Siwek 2004: ii) and thus constitutes a sensitive point for politicians, both to the Republicans and the Democrats (Frau-Meigs 2002: 12). It is therefore likely that any U.S. government fears the potential consequences of international agreements encouraging countries to take measures to protect their cultural expressions, such as the UNESCO Convention on Cultural Diversity.

Despite the healthy state of the American film industry, it holds a potentially vulnerable market position given the high spendings on celebrities' salaries and marketing. While these expenses give movies a "huge global boost", it also seems like movie makers have lost their ability to control costs, "often a sign of forthcoming commercial weakness" and potential loss of market share (Cowen 2002: 99). American cultural industries are to a larger degree competing for popularity and influence with other geographic production clusters (although this is not entirely a new phenomenon). For instance, the success of Hollywood is not preventing other countries from making films (Rousset 2006: 40). India produces seven times more

¹⁵ Piracy has become one of the forefront issues in global and American economic policymaking. This study does not provide a comprehensive analysis on this subject although this is a major concern for the United States. For discussions, see among others: Maskus, K. (2000): *Intellectual Property Rights in the Global Economy*, Washington D.C.: Institute for International Economics, or free publications from World Intellectual Property Organization (www.wipo.org).

films each year than the United States. In recent years, Southeast- and East-Asia have also become vibrant regions in terms of movie production. Chinese (including Hong Kong), Filipino, and South Korean films are now competing with Japanese and Indian films and are attracting a majority of their local audience. In the Middle East, the Egyptian film industry is increasingly becoming popular (Rousset 2006: 40). Also, in Western Europe, the film industry is showing signs of commercial recovery as film makers in these countries seem to rely less on national subsidies. For instance in 2000, French films captured 60 percent of their domestic market, the highest number in twenty years¹⁶ (Cowen 2002: 99). Formation of new geographic clusters as well as growth in existing ones outside the United States is threatening Hollywood and American cultural industries, and its economy at large.

In terms of revenue, the United States is unbeaten, but we are gradually witnessing a shift in audiences' preferences towards cultural products with regional and local content (Rifkin 2001; Rousset 2006: 41-42; Cowen 2002), typically considered as a trend of the 21st Century. Interests in local cultures are re-awakening, especially interests in "indigenous" or "Third World" cultures (Cowen 2002: 7). In the music industry, the world's musical expressions are increasing in diversity. Music produced domestically has little trouble commanding loyal audience at home. In India, domestic music comprises 96 percent of the market; in Egypt, 81 percent; and in Brazil, 73 percent. Even in small countries such as Ghana, domestically produced music comprises 71 percent of the market (Cowen 2002: 8). Cowen (2002) argues the the United States has lost market shares in the music industry due to the success of export from other countries, and he particularly points to the success of export of Latin- and South American music from countries such as Cuba, Jamaica, and Brazil.

In the market of fiction literature, American books hardly ever count for more than two or three of the top ten best-sellers¹⁷. In countries such as Germany, France, Italy,

¹⁶ This high number can partly be explained by the success of a few hit comedies this year (Rousset 2004).

¹⁷ *The Economist* surveys international best-sellers on a periodical basis, which Cowen and Crampton (2001) present a summary version of.

Israel, the United Kingdom (UK), the Netherlands, and even in Canada, the majority of best-sellers are not from the United States. People seem to prefer reading books based in their native culture (Cowen 2002: 9). Cowen (2002: 9) further notes that even the two most influential books in the world, the Bible and the Koran, are neither from the United States, or any other Western nation for that matter (although the former is shaped by Western interpretations).

The increased awareness to local cultures all over the world is also evident when one does not only consider the consumption of cultural products. For example, in 2001, Indian consumers trashed McDonald's restaurants for violating Hindu dietary customs. In Germany, there is an ongoing heated debate over what German culture consists of in the modern world. In France, upset farmers uprooted Monsanto's genetically engineered crops, claiming that they were a threat to French cultural sovereignty over food production. In Canada, local communities are continuously fighting to keep out the giant Wal-Mart retail chain fearing it will replace traditional small-town culture with suburban super-malls (Rifkin 2001). The emerging awareness to domestic cultures, although difficult to quantify, may represent a threat to the "American way of life" and the cultural hegemony of the United States. It is unlikely that the United States considered the UNESCO Convention as the main threat to its lucrative position in the trade of cultural products, but it seems obvious that the United States voted against the Convention in regard to the importance of its export of culture and the fear of losing market shares if governments around the globe use the Convention as a tool to limit their imports of American cultural goods and services. Other large exporters of culture, such as the UK and Japan, also perceived the Convention as a potential threat and they both expressed concerns over the Convention's potential implications in international trade. Although the UK voted in favour of the Convention and the UK ambassador to UNESCO proclaimed on behalf of the EU that the result of the voting was "a great day for UNESCO" (Timothy Craddock cited in Bridges Weekly 2005), they privately assured the United States that they did not intend to ratify the Convention (Intellectual Property Watch 2005). Japan, although voting in favour of the Convention, made a substantive change to the

Convention by attaching an amendment to strengthen the clarification that the treaty would not conflict with other international instruments and that the Convention would not expand the mandate of the UNESCO Constitution (Intellectual Property Watch 2005).

According to Keohane (1984: 137), an international consensus over the existing capitalistic order is necessary in order to maintain the ideological hegemony of one nation. As an overwhelming majority of UNESCO Member States voted in favour of the Cultural Diversity Convention, it is likely to assume that the United States perceived the capitalistic order for cultural products and services as questioned, if not directly threatened. The structure for trade in cultural products and services was previously debated and created tension during the Uruguay Round, and the same conflict was reinforced in UNESCO, although in a different language. However, many trade analysts have suggested that the Cultural Diversity Convention is more symbolic than anything else, and they point to the treaty's weak dispute settlement provisions: the non-binding mediation and conciliation without any mechanism for sanctions, arguing it is evident that the American anxieties are exaggerated (Bridges Weekly 2005). It is also claimed that the American cultural industries is far more concerned about the issue of piracy than the Convention on Cultural Diversity (Cowen 2006). Despite this, given the American position in the conflict over the 'cultural exception' in the Uruguay Round, its large trade deficit, and the economic importance of cultural export, it appears quite obvious that the United States perceived the Convention to fuel other nations' consciousness of their own cultural policies and thereby potentially threaten American corporate and economic interests.

4.4 United States' perceptions of the role of culture in national security

As I have argued above, the American opposition to the Cultural Diversity Convention can be explained when considering economic interests. However, as Herrmann and Shannon argue, 'material interest' is defined from a security aspect as well. As this section illustrates, the relationship between national security and

importance of cultural industry is quite fuzzy, and requires and deserves a much more comprehensive analysis than this thesis can provide. In the debates over the Cultural Diversity Convention, references to national security were never directly made either by the United States or by other nations criticising the U.S. opposition to the Convention. However, I argue that the importance of cultural values expressed through cultural products and services play a crucial role to the United States, other than a purely economic role.

Control over certain industries is considered essential to national defence (Bhagwati 1987). Traditionally, control over resources such as steel and oil has been considered vital to national security. It is possible to argue that cultural industries play a role in both national and international security strategies as cultural products may function as propaganda resource carrying meanings whose value surpasses the ability to generate profit and to provide entertainment (Goff 2000: 537). Cultural industries play a role in the construction of domestic and international political communities, as they function as “primary sources for images, ideas, and definitions that shape the loyalties of citizens” and can therefore influence the creation and transmission of beliefs that underpin collective identity (Goff 2000: 537). In other words, cultural intermediaries play an important role as gatekeepers in a world where “‘access’ determines the parameters of real-life experiences for millions of people” (Rifkin 2000: 185).

The relative importance of traditional military power has been reduced (Melby 1996). In the post-industrial era, geo-political struggles are increasingly fought over access to local and global culture and the channels of communication that carries cultural content in commercial form (Rifkin 2000: 185). Many scholars of international relations argue that national borders have eroded after the Second World War due to increased volume of trade, migration, cross-borders financial transactions, the development of regional trading blocks and the global reach of multinational co-operations (Goff 2000: 533). Goff (2000) argues that governments in the developed world respond to the decline of *territorial* borders by reinforcing the *conceptual* and *invisible* borders. As the traditional means for building political communities (e.g. nation building) are gradually becoming outdated, governments rely on cultural

industries for identity formation in modern societies. With the new technologies, it is possible to build political communities both domestically and globally through the spread of cultural ideas and values. Cultural industries thus become tools not only for economic strength, but also for securing social and cultural cohesion.

The United States is currently heavily engaged in a global and generational struggle of ideas in which winning “hearts and minds” is as important as winning battlefields (Defence Science Board 2004: 10; Finn 2003). The content of American cultural products has a strong international appeal and therefore holds a great potential for the United States (Nye 2002). As Chapter 5 outlines, the United States has traditionally adopted a policy of non-intervention in cultural affairs and its content. However, culture is a political force as it plays a role in national security policies.

Culture is rarely considered to be best served “by the dead hand of public bureaucracy” (Hill 2003: 44). However, ‘culture’, either shaped by the state or by corporate interests, may function as a resource for soft-power, especially in the American context. This is a type of power that has increased in importance over the past few years (Nye 2006). The present government in Washington will perhaps not primarily be remembered for exercising soft-power, but it appears that this type of power has also grown in significance to the United States (Riding 2005b). Nye (2002: 238) argues that:

“It matters [to us] that half a million foreign students want to study in the United States each year, that Europeans and Asians want to watch American films and TV, that American liberties are attractive in many parts of the world, and that other respect us and want to follow our lead when we are not too arrogant.”

American cultural industries typically target the mass-market on a global scale. However, the U.S. government considers culture as a tool to persuade elites outside its borders of the virtues of its culture and society. After the end of the Cold War, it became less important for the American cultural diplomacy to persuade elites outside its own borders, but in the past few years cultural diplomacy has regained importance and is today utilized by Washington as a way to influence other nations (Riding 2005b). To secure and increase cultural influence, the United States has adopted the

Cold War model of the ‘Voice of America’ and ‘Radio Free Europe’, and has created ‘Radio Sawa’ and ‘Al Hurra’ satellite television for Arab audience and ‘Radio Farda’ for Farsi speakers in Iran and Afghanistan (Riding 2005b).

During the Cold War, the U.S. government promoted American culture around the globe. Cultural policies were small, inexpensive elements of a “grand, sweeping policy meant to contain and roll back [communism]” (Vaidhyathan 2001). Victories over ideological enemies are still considered vital to U.S. national security (Finn 2003). Cultural values, expressed through cultural products and services are therefore of importance from a national security point of view. Open markets and new technologies allow values to be transmitted and to reach large masses of people. One can therefore argue that it is in the interest of the United States to maintain an open system in order to secure acceptance to its ideological hegemony (Melby 1996). The Cultural Diversity Convention could potentially lead Member States to close its markets by restricting imports of cultural products, which not only would damage the United States’ economic strength, but it could potentially hinder American values, in which the country legitimizes much of its power on, from spreading around the globe.

Cultural industries also shape a national identity domestically. Stephen Shulman (2000: 373) argues that foreign economic ties construct the identity of both majority and minority nations by strengthening their economic performance. Economic prosperity enhances the prestige and respect a nation enjoys among other nations and its own citizens – one important aspect of national identity. Liah Greenfeld (1992: 847) writes: “National identity is, fundamentally, a matter of dignity”. As such, culture contributes significantly to the construction of a social and political community, and provides resources to be utilized for economic growth as well as in creating recognition for this community.

4.5 Summary

From this line of inquiry on the importance of American material interests, it appears that the United States perceived the UNESCO Convention on Cultural Diversity as a

threat to its economic strength and national security, with emphasis on the former asset. Situational factors, such as the American trade deficit, changing trends in consumer patterns, as well as the war on terror, especially with regards to winning “hearts and minds” abroad, appear to have shaped the cognitive understanding of the American officials engaged in the work of the Convention.

Despite the American arguments that the treaty may expand the mandate of UNESCO to issues related to trade and commerce, the lack of binding mediation and conciliation, and the absence of a mechanism for sanctions allow the Convention to only have a symbolic role in safeguarding cultural diversity. One can hardly argue that the Convention *itself* was considered by Washington as the main threat to economic and ideological order it seeks to protect, but, as this analysis has established, there are elements to the Convention that could potentially hurt the United States’ economy if other states implement policies that restrict the free flow of goods, services, values, and ideas. The high-profile involvement from the U.S. government suggests that the threat was taken seriously, although practical consequences of the Cultural Diversity Convention have not yet revealed itself.

5. Analysing normative obligations at stake

*I celebrate myself, and sing myself,
And what I assume you shall assume,
For every atom belonging to me as good belongs to you.*

*I loafe and invite my soul,
I lean and loafe at my ease observing a spear of summer grass.*

American epic poem “Song of myself” (Whitman)

In addition to material interests, norms matters in American foreign policy. Few deny this fact. The question is: how much do norms matter and when do they matter? (Herrmann & Shannon 2001: 622). This chapter will by a descriptive analysis examine to what extent normative imperatives shaped the America position to the Cultural Diversity Convention. However, as Herrmann and Shannon argue, one must keep in mind that there is no unflawed approach to disentangle utilitarian and deontic calculations in political processes, and perhaps in particular in American foreign policy. Therefore, the analysis incorporates the linkages between normative obligations, material interests and perceptions.

The United States claimed to depart from a normative point of view when voting against the Convention. In my aim to analyse the importance of these obligations, central questions are: What role did concerns to defend freedom of speech, free flow of ideas, information, and imagines play for the United States? How does the United States perceive cultural diversity and what do they consider as the best means to promote it? How important was it for the United States to defend UNESCO’s working principles of open dialogue and consensus? And also, how do the arguments against the Cultural Diversity Convention differ from the arguments against the ‘cultural exception’ in GATS?

The analysis starts with a presentation of the official American arguments against the Convention, with emphasis on the normative obligations they claimed to defend.

Based on the questions above, I scrutinize how the United States views the necessity for explicit policies on cultural matters, and how they understand cultural diversity and how this is best promoted. I also examine how the American dissatisfaction with the processes in which the Convention was adopted can explain the opposition to the Cultural Diversity Convention. Towards the end, I challenge my arguments from Chapter 4 as well as this chapter by analysing how material interests and normative obligations are biased by perceptions.

5.1 The official American arguments against the Convention related to normative obligations

President Bush has throughout his two terms of presidency referred to what he calls the "the moral imperative" to break down tariffs and promote jobs and freedom around the world (Vaidhyanathan 2001). Considering the prominent position of the United States in the global trade system, it is reasonable to ask: where do the promotion of American values stop and the promotion of American business begin (Vaidhyanathan 2001)?

The question of the deregulation of cultural industries, and in particular the audiovisual service, was highly contentious during the 1990s and has been so ever since (Asia-Pacific Broadcast Union 1999:4). The United States has opposed the notion that there should be a special cultural recognition of products with cultural content. During the negotiations over 'cultural exception' in the Uruguay Round, the United States' arguments departed from an economic point of view (Frau-Meigs 2002). However, in the debates over the UNESCO Cultural Diversity Convention, the Americans emphasized the normative implications of such an international treaty.

The United States argued that the Convention was contradictory as some paragraphs emphasize freedom of expression, information, and communication while other paragraphs imply that there are acceptable governmental controls on such freedoms. Their concern was shared by other states as well (Bridges Weekly 2005; Cowen 2006). The Convention encourages States Parties to take an active role in the

formation of its national cultural policies and, in particular, encourages states to take necessary measures to protect and promote cultural expressions under serious threat. Oliver (2005) argued that the United States believed that action-oriented provisions of the Convention needed to be “carefully circumscribed to ensure that it could not be misinterpreted to justify measures that would interfere with human rights and fundamental freedoms.” At a minimum, Oliver continued, the Convention “should be redrafted so that it cannot be misinterpreted to authorize measures limiting freedom of expression or restricting the flow of information.” Limitations of such freedoms do also pose a serious threat to the diversity of cultural expressions (Cowen 2006).

The United States was one of only two countries voting against the Convention. The Convention was warmly welcomed by most other Members of UNESCO, especially by the EU and many developing countries (interviews 2006). Few other UNESCO Conventions have received the same amount of publicity. Despite the popularity of the Convention which left the United States with few supporters, Oliver (2005) argued:

“[having few supporters is]okay with us because we're standing up for principle, we're standing up for freedom, we think [the *idea* of such a document] is all about freedom and we think that it is a good thing to talk about the role of freedom in cultural diversity because that is what cultural diversity is built upon. It's built on the right of individuals to decide, what they want to do, what they want to read and what they want to see.”

Oliver (2005) further argued that they tried to get their concerns, suggestions, and ideas incorporated into the text of the Convention so that, as she claimed “we could have a Convention promoting cultural diversity”.

According to the U.S. delegation, its attempts to participate in the drafting processes were rebuffed. They argued that the Convention was too quickly negotiated and that other nations were too eager to get it adopted at the General Conference in 2005 rather than the following in 2007 (Oliver 2005; Cowen 2006). This caused serious concerns for the United States as it was conflicting with the procedures in UNESCO of open dialogue and consensus.

In total, the U.S. arguments were both related to the substance of the Convention as well as to the processes in which it was adopted. They argued that this in total resulted in a document with very low quality.

5.2 Normative obligations of the United States

Values are an intangible part of national interests, and Nye (2002) argues that certain values are strongly integrated into American foreign policy as it typically considers itself as the defender of the free world. The United States called the Convention on Cultural Diversity a threat to the democratization of information. Certain elements of the Convention contradict fundamental freedoms the United States claim to defend, possibly creating felt normative obligations to vote against the Convention.

Several countries throughout the world, although to different extent, impose some sort of legal provisions in media programming to promote the use of national and minority languages and domestic productions. Viewer numbers will as a consequence grow. As described in Chapter 4, the popularity of cultural products with local content may therefore not solely be a result of free will of individuals across nations. There are reasons to believe that the United States fears extreme measures some governments take to maintain and build national identities. China and Turkmenistan are two examples. In Turkmenistan, President Saparmurat Niyazov has enacted strict isolationist policies. In August 2005, the president signed a decree forbidding the playing of recorded music at public events, on television, and at weddings. Opera and ballet performances are also banned as they are considered to pose a threat to Turkmen culture (Freedom House Country Report Turkmenistan 2006). In China, all media are owned by the state, many international newspapers are banned and international satellite TV is pulled off the air (National Public Radio 2005). In August 2006, the Chinese Central Propaganda Department issued a new order restricting popular access to foreign films and television programs (Freedom House Country Report China 2006). Although the cases of Turkmenistan and China may have different motivations, censorship to this extent poses a serious threat to cultural human rights, in addition to other fundamental democratic rights. Simultaneously,

such policies will also potentially damage the export of American cultural goods and services. Normative obligations and material interests are, as we can see in the perspective of the United States, concurrent when it comes to securing free flow of cultural products and services.

The complications of detaching felt normative obligations from protection of material interests make it problematic to clarify the motives that drive American foreign policy. Herrmann and Shannon (2001) argue that desires to advance material interests may run counter to moral obligations and thus bias perceptions of the situation. This may lead to a perception in which material interests are complementary with moral obligations (Herrmann & Shannon 2001). The following inquiry focuses primarily on the normative obligations felt by the United States, but, as mentioned, towards the end the analysis also sheds light on how normative obligations and material interests are combined and what role perceptions play in this relationship.

5.2.1 American cultural policy

Across the world, cultural policies have traditionally been conceived as purely a national issue, as a tool for sovereign states forging their own national identity (Recasting Cultural Policies 1998). Cultural policy has therefore traditionally served a purely symbolic role in societies and has generally had a marginalized position in government portfolios in many democratic countries until quite recently (Cowen 2001: 137). Cowen (2001: 137) argues that the main reason for the lack of attention to culture is due to the ascendancy of the economic paradigm in the conduct of national and international affairs which cause public and economic policies to become almost synonymous. However, this perception is gradually changing as culture is increasingly being recognized as a driver for economic development. In the past few years, there has been a growing attention to culture in national public policies as it has a clear economic dimension. Sorting out what is cultural policy and what is economic policy is therefore often a complicated task, especially in the United States (Vaidhyathan 2001).

Whereas the French government spends approximately \$3 billion a year on cultural matters and employs twelve thousand cultural bureaucrats (Cowen 2002: 2), there is no Secretary of Culture in the United States and no comprehensive budget designed for cultural matters at a federal level. The policy areas that the Ministries of Cultures in the EU are dealing with are typically dealt with by the Secretary of Commerce in the United States. One can therefore suspect that ‘cultural protectionism’ and ‘trade protectionism’ is treated as *one* subject (Vaidhyanathan 2001).

The United States is known for its laissez-faire approach to cultural development. The American mentality values individual success deriving from “entrepreneurship, gumption, and loopy optimism” (Vaidhyanathan 2001). It is rarely believed that personal success happens through efforts by the state, and federal authority has traditionally been viewed with suspicion. This understanding of the individual and the state affects how Americans view the role of arts in the civic sphere. Culture and the arts are seen as secondary to business and politics — as non-essential luxury goods (Gioia 2005). These goods should operate in a self-regulated market and not be regulated by an elite. There is a long-standing American tradition of anti-intellectualism and even philistinism. Populism versus elitism is one of the dialectics of American culture. It is argued that this tension is exactly why the arts thrive in the United States, in the same way the absence of a state religion has made the United States the most religious nation in the West (Gioia 2005).

However, the laissez-faire approach to culture is an assumption that is questioned by many. Frau-Meigs (2002: 11) explains how the United States encourages patronages between public and private support, and she argues how tax benefits associated with foundations or with donations are in reality public aid disguised through tax relief or exemption. This is, Frau-Meigs argues, how the system of independent cinema survived until the end of the 1980s (at which time tax benefits were annulled).

Although the United States does not have an explicit cultural policy, it is not totally ignorant to the matter. There are examples of cultural policy implemented at the federal level, such as the National Park Service, the Smithsonian Institution, and the

Library of Congress: agencies empowered to protect and disseminate American culture. However, governmental initiatives typically derive from and are implemented at a regional level, often in close cooperation with a large variety of actors, and where the constellations are continuously changing. Overall, the system appears quite complex and lack coherent strategy and coordination. Yet, some will argue that this is one of the strengths with the system, making it dynamic and flexible to change (Cowen 2004).

Vaidhyathan (2001) argues that the U.S. government is not concerned with the “flavor or timbre” of culture; its main concern is that it is being sold and not lent, borrowed, or copied. Copyright law is one of the most powerful agents of American culture as this system affects the form and function of all aspects of cultural expressions in a society (Vaidhyathan 2001). The United States is continuously working to standardize copyright enforcement throughout the world. Common intellectual property rights is one of the most controversial issues in international trade agreements (UNDP 2003: chapter 11) and much of the cultural industries, particularly in developed nations are protected under copyright laws. Protecting copyrights is a policy area in which the U.S. government is heavily engaged in, both domestically and internationally. It appears that these actions at a federal level primarily treat culture in accordance to material interests.

The United States argues that copyright laws are vital for cultural diversity as they allow artistic expressions to be pursued for professional rather than amateur reasons (interviews 2006; United States International Information Programs 2006). The United States tried to insert the protection of intellectual property rights into the Cultural Diversity Convention. However, this consideration was not incorporated into the text. Considering the economic loss of illegal downloading¹⁸, protecting copyright is also an economic argument, perhaps more so than a normative argument. When

¹⁸ It is estimated that in France alone, 16 million songs and one millions movies are downloaded illegally every day, four times more than are purchased legally. It is believed that Hollywood movies are the most popular downloads (Variety magazine 2006: 11).

copyright enforcement is debated in international economic forums, the United States does not hide its economic concerns over illegal copying.

It may appear that economic and private interests dictate much of the American cultural policies, or shall we say, economic interests can explain the lack of a comprehensive national policy. However, one can argue that American policy of allowing culture to freely develop is based on normative obligations. The concept of cultural diversity then becomes crucial. When considering the American understanding of cultural diversity and the best means to ensure it, one might, to a larger degree, understand its opposition to the Convention.

5.2.2 American views on promoting cultural diversity

Chapter 2 presented two opposing views on how cultural diversity is best ensured and promoted. In the framework of Cowen's cultural optimism theory, the United States' position in favour of liberalizing cultural goods to the level of other commodities can be explained from a normative point of view (Rousset 2004: 34). The U.S. government argued that the concept of cultural diversity can be understood from two different angles as they distinguish between 'diversity' *across* and *within* societies (Cowen 2002: 14; Cowen 2006). The latter form of diversity is what determines how effectively people can have access and enjoy the diversity of the world, and this understanding of diversity differs from the actual amount of diversity that exists. Cowen (2002: 16) illustrates this by arguing that the world was very diverse in the year 1450, but not in a way that people could benefit from it.

Cultural development and activities require freedom of expression and room for experimentation. Allowing private initiatives to flourish is therefore crucial. Cultural optimists argue that creativity is best ensured in a capitalistic society. A free market creates material wealth which, again, creates demand for cultural products and expands positive liberties by increasing the menu of choice. Cultural optimists dispute the assumption that market forces necessarily will undermine cultural diversity (Rousset 2004). Cowen (1998: 11) illustrates this assumption by referring to artists in the Italian Renaissance who were first and foremost considered as business

men in their time. They produced for profit and worked under commercial contracts, and did not hesitate to walk away from jobs if the salary was not high enough. Also, letters from great artists such as Mozart, Bach, Hayden and Beethoven revealed that they all were eager to make money through their art. Mozart even once wrote: “Believe me, my sole purpose is to make as much money as possible; for after good health it is the best thing to have” (cited in Cowen 1998: 11). Many highly renowned artists and creative entrepreneurs have expressed similar views. Wealth as an incentive to produce cultural expressions is therefore not synonymous with degeneration of quality.

Cowen (1998: 182) argues that cultural pessimism, which encourages state intervention in cultural affairs, appeals to our immediate observation as market forces eventually will subvert and change artistic forms. Sooner or later, styles and genres will become part of the past. Cowen (1998) argues that we are much more familiar with what have left us than what is approaching us, and he illustrates this by saying: “We have a memory of each ship that have left, but no corresponding marker of those in the early stage of their voyage to us”. Culture has and should also in the future be allowed to change. Governmental efforts to hinder a natural development will consequently hurt the quality of cultural expressions. During the preliminary meetings for the Convention, the concepts of ‘protecting’ versus ‘promoting’ cultural diversity were raised as an issue. Certain countries, among them the United States, argued that protecting gives connotations of “freezing”, not a favoured term when it comes to cultural development (Report from second meeting of experts 2004: 4; interviews 2006).

Cowen (2006), who represented the United States at the preliminary drafting meetings for the Convention, argued that it was correct from a normative point of view to vote against the Convention on Cultural Diversity as the text does not encourage the appropriate way of achieving cultural diversity. The United States likes to promote itself as one of the most culturally diverse nations: dedicated and devoted to celebrating and cherishing cultural diversity (Oliver 2005). It argues that its rich diversity is based on individuals’ freedom to choose how to express themselves and

how to interact with others (Oliver 2005; Cowen 2006). Encouraging governments to decide what citizens can read, hear, or see, denies this fundamental freedom of individuals to make independent choices. In other words, governments' involvement will affect cultural development negatively by regulating and restricting creative expressions. One can argue that the American understanding of itself as a nation and own values must to a certain degree have shaped its perceptions of the Convention on Cultural Diversity and thereby the felt normative obligations.

Also Hollywood lobbyists, a strong opposing force to the Cultural Diversity Convention, expressed concerns over the moral implications of the Convention, even though they typically have pure economic interests to protect. Jack Valenti (cited in *Idées de France* 2006), the former president in the powerful Motion Picture Association has argued:

“The interference of the State in cultural affairs does not encourage talent, and it prejudices the development of the arts. State help only encourages an “assisted mentality”. A dynamic, vibrant culture does not need protection!”

Cowen (2006; and in *Idées de France* 2006) argued that one of the main flaws with the Convention's text is that it treats nation-state as the locus for culture, when in fact there are many more cultures than nations. This is an inappropriate way to deal with the concept of diversity. Also, the Convention as finally adopted does not consider the determining role of cultural industries in terms of freedom of expression. Cowen (2006) argued that the United States would have preferred if the Convention would emphasis the role cultural industries play in creating cultural diversity, especially in developing countries. In the frame of cultural optimism theory, it is possible to argue that the United States voted against the Cultural Diversity Convention as the text neither provides the best assurance in their view to promote true cultural diversity nor promotes individuals' freedom to choose. Thus, one can also argue that the American opposition to the Convention was influenced by the 'logic of appropriateness'. The United States followed a set of rules that they associate with their own identity. Its actions then involved evoking this identity and matching the attached obligations to a specific situation (March & Olsen 1998: 951).

5.2.3 Defending the procedures of UNESCO

The content of the Convention was debated by UNESCO Member States since fall 2003, two years ahead of the adoption. The United States claimed in its plea at the General Conference in 2005 that it had no proper chance to affect the wordings of the text through the preliminary draft meetings. Oliver (2005) argued:

“[We were supposed to discuss 34 articles] with more than a 120 countries, [in meetings lasting] for less than two weeks. [W]e were supposed to negotiate a brand new text. At the end of that meeting, we were told that that was it. The intergovernmental meeting adopted that text. We were told no more negotiations. We were told not a single word could be changed, not a single comma could be changed. Now, this was June 4th and here we are in a multilateral organization, supposedly dedicated to dialogue and discussion, and the United States is told that there would be not a single word changed.”

The United States argued that too little attention and time was given to clarify the language the relationship to other international treaties. One source I interviewed in Paris argued that the United States had the same opportunity to influence the text to the same extent as other Member States. However, it is true that the Convention was quickly processed and adopted compared to other Conventions. The source claimed to have sensed a “hostile feeling” on the poll day at the General Conference. The source argued that there seemed to be a battle going on between the rest of the world and the United States, and that the Convention functioned as a collective “punishment” for the American arrogance it was showing in the war in Iraq at the time. As such, it appeared to be a rush to adopt the Convention in 2005 and not wait until the next General Conference in 2007.

Oliver (2005) argued that “[w]e have engaged in UNESCO for the past two years, actively and energetically [...] we have worked well with other countries, trying to strengthen UNESCO's programs in education, in science, in other aspects of culture.” According to all my sources at UNESCO Head Quarters, it is true that the United States has, since its re-entry, worked hard to create international consensus in the tasks they have been involved in. The sources all expressed genuine admiration for Oliver's engagement in tasks that promotes the goal of the organization, including the

U.S. involvement in other programmes dealing with culture. One source suggested that the American efforts to improve the organization was perhaps an attempt to show willingness to corporate with the international community and that UNESCO provides a frame which has few, if any, grave consequences for high-politics issue as the work is mainly restricted to communication, education, science and culture.

It is possible to argue that the United States was dissatisfied with the process in which the Convention was adopted. Although this was raised as an issue, it is unlikely that the United States voted against the Convention solely based on this dissatisfaction with the organization's procedures. As one of my sources argued, it would be ridiculous to believe that Condoleezza Rice would have actively involved herself with the work of the Convention if concerns were only related to the procedures in which the Convention was adopted.

5.3 The mix of motivating factors: challenging normative obligations

As the above-mention arguments suggest, one has to consider the felt normative obligations the United States claim to defend when voting against the Cultural Diversity Convention. However, the applied normative arguments seem, in every aspect, to be concurrent with the material interests of the United States.

March and Olsen (1998: 925) argue that one way to explain variation in norm enactment is to focus on the clarity of normative or utilitarian reasons. They contend that when economic interests are clear and normative obligations are ambiguous, the logic of consequences prevails; and when normative obligations are clear and economic interests appear fuzzy, the logic of appropriateness prevails. However, one single case may evoke both type of reasoning. As this study does not provide manipulations of the case material, such as the study conducted by Herrmann and Shannon (2001), disentangling the various effects is difficult. By integrating the concept of 'perceptions' I am however one step closer to better understand the American motives for voting against the Cultural Diversity Convention. The United States claimed to defend a set of normative obligations, consisting of attempts to defend democratic rights such as freedom of choice and freedom of expression, to

ensure the best means to promote cultural diversity, as well as to monitor that procedures of UNESCO were followed. These concerns appear diverse and even grand. Considering material interests, on the other hand, and in particular the perceived threat of the economic loss of decline in cultural export, the threat to American interests appear more straight-forward and clear.

All my sources in UNESCO argued that U.S. opposition to the Cultural Diversity Convention was closely related to the importance of the country's cultural industries and the fear of potentially losing market shares abroad. They argued that this concern was clearly perceived by the Americans as there is little "fuzziness" to this issue. When considering the lack of economic arguments against the Cultural Diversity Convention by the United States, one can assume that the attempts to defend its own material interests biased the perception of what was considered as a morally correct action. Herrmann and Shannon (2001: 623) argue that ideas and prescriptive norms do not affect international outcomes in the same way structure of power do, but they do affect the conceptions of identities and interests in the process of decision making. Taking into account how the United States perceives itself as a defender of the free world and as one of the most culturally diverse nations in the world, such understanding of oneself therefore may have influenced its stand towards the Convention.

Herrmann and Shannon (2001) assume that economic interests conflicting with prescriptive norms will evoke emotions that affect cognitions and thereby bias the perceptions of what is morally correct. Such a view allows for normative argumentations when, in fact, it is the economic interests that is the underlying force for actions. The arguments used by the United States differ however from the conflict over the 'cultural exception' in GATS¹⁹. The two settings represent two different discourses. UNESCO provides a forum in which "soft values" are typically promoted, whereas GATT/WTO provides an economic forum in which bargaining

¹⁹ I do not provide a comprehensive analysis of the U.S. arguments applied in the conflict over the 'cultural exception'. For a better understanding of this, see *Quaderns del CAC*, September/December 2002: Issue 14

over national economic interests is the primary activity. Economic interests do not necessarily become less important in the setting of UNESCO, but the organizations require different languages and patterns of reasoning. Values expressed in official statements will consequently differ. Also, the officials representing their Member States in WTO and UNESCO usually have different backgrounds (interviews 2006; Cowen 2006).

My findings show that the United States was concerned with the possible effects of the Convention and the violation of norms, but it is difficult to explain the high official involvement, such as the engagement of Condoleezza Rice, if the violation of norms was their only driving force to vote against it (interviews 2006). It is important to keep in mind that the Cultural Diversity Convention, as all other conventions, are meant to be interpreted within the context of previous conventions – this is usually illustrated in the preamble of the convention where other conventions and treaties are recalled. This means that other international norms such as human rights cannot be violated by States Parties when implementing measures of a specific convention. So even though the Cultural Diversity Convention states that States Parties are allowed to adopt whatever measures necessary to protect its cultural expressions, this can only be done with a caveat that is it should not violate any past international norms already established. Therefore, American concerns of possible violation of human rights appear somewhat less credible.

Just as Herrmann and Shannon (2001) argue that their respondents would have provided more ideological based explanations if they were asked to defend their choices publicly, one can assume that the same holds true for the Americans involved with the Cultural Diversity Convention. Normative arguments are better received, not only by the American public, but also by the international community. The Convention received much attention, particularly in the media, compared to other UNESCO Conventions, and it is likely that the United States therefore felt a need to use ideologically based arguments when fighting against the Convention.

Due to the importance of American cultural industries to its national economy, the U.S. government may have elevated national self-interests to the level of supposedly universal normative prescriptions, a behaviour Morgentau (1973: 88-91) refers to as “nationalist universalism”. The United States has more than once been accused by less powerful states who are sceptical of the U.S. call for a new world order based on normative principles and for its emphasise on normative arguments in the formation of foreign policy (Herrmann & Shannon 2001: 651). The assistant Director General to UNESCO, Françoise Rivière (2006) has encouraged the U.S. Delegation to UNESCO to:

“[Not hesitate] to use UNESCO as a platform to project your own values and ideals. U.S. culture should certainly gain to be more properly presented on the international scene and UNESCO, as a forum and as a network of diverse partners, can help.”

It appears likely that normative argumentation was used by the United States in order to defend its economic interests as UNESCO is a forum which typically does not deal with trade.

5.4 Summary

Regardless of whether or not the Cultural Diversity Convention provides the best means to support and promote cultural diversity, this analysis shows that it is difficult to conclude that the American opposition of the Convention is *solely* based on felt normative obligations. Considerations of culture and economics appear to be closely intertwined in the U.S. debates surrounding the Cultural Diversity Convention. Given the ideological foundation of UNESCO and the massive support this Convention received from other nations, one can assume that the United States felt it necessary to give an impression of defending normative obligations that are encapsulated in the ethos and expectations of UNESCO. However, the normative arguments are worth exploring in depth as they actually do contain elements that were considered by the United States as necessary obligations to defend.

I have found little evidence that the United States disagree with the rest of the world that diversity is a resource and a value for human kind. The United States sees

cultural diversity to best flourish when there are no governmental interferences, a view which separates the United States from much of the rest of the world. The Convention has been criticized for having ambiguous language and one can therefore rightly argue that it might be wrongly interpreted and cause unwanted effects, even extreme effects such as censorship. Also, one should not entirely exclude the unique history of the United States that differs from most other countries. This has shaped a particular understanding of the role of culture and how cultural diversity is best promoted. Cowen's cultural optimism theory captures a philosophy in which cultural policies in the United States are based on: making non-intervening policies to cultural affairs a normative obligation.

6. Summary and conclusion

SEPTIMUS: When we have found all the meanings and lost all the mysteries, we will be alone, on an empty shore.

THOMASINA: Then we will dance.

(Tom Stoppard, *Arcadia*, 1993)

This chapter gives an account to the major findings in this thesis as well as some concluding remarks to the applied theories. Towards the end I make some recommendations on how this study can serve as useful inputs to further studies on the relationships between culture, trade and politics.

6.1 Findings

The general purpose of this work has been to explore the motives behind the United States' opposition to UNESCO's Cultural Diversity Convention. I have seen to what extent material interests and felt normative obligations can explain the United States' opposition to the Convention and what role perceptions have played. More specifically, I have analysed necessary positions and views on trade in cultural products and services and types of normative arguments to promote cultural diversity.

This study provides a picture of a country that appears to formulate foreign policy that fuses together normative goals in its assumed role as a defender of free the world, with pragmatism of an economic power seeking to protect its own material interests (Mayer 2006: 6-7). It underlines Melby's (1995: 249) argument that "American foreign policy is built on a unique symbiotic relationship between realism and idealism" (my translation). Herrmann and Shannon (2001: 651) argue that leaders in the United States defend norms sometimes, but not nearly as often as they protect material interests. Disentangling the effects of material interests and normative obligations, and analysing the role of perceptions in policy formation, are however highly complicated tasks. The Cultural Diversity Convention was meant to have a

complementary role in relation to other international agreements, but due to the acknowledgement of a cultural nature of certain products, the Convention entered a conflict area, previously touched upon in the debates over the ‘cultural exception’ in GATT in 1993.

The conflict over the ‘cultural exception’ is argued to be dissymmetrical as the two camps had different points of departure. The EU and Canada (“the Exceptionists”) applied socio-cultural arguments when fighting for a cultural exception, whereas the United States (“the Free Traders”) used economic arguments against such an exception (Frau-Meigs 2002: 7). However, this description is challenged when considering the Cultural Diversity Convention in the light of Cowen’s theory on cultural optimism. My review shows that normative arguments can partly explain the American opposition to the Convention. One has to take into account the fundamental differences between the United States and the “Old World”. The United States has a different ideological foundation and its unique historical roots have led to a distinct view on the role of culture in economic affairs and in the society in general.

The economic importance of domestic cultural industries played a crucial role as a motivating force in understanding the American opposition to the Cultural Diversity Convention, a treaty they, as well as some other nations, perceived as ambiguous and contradictory in its language (Oppenheimer 2006; Cowen 2006). This caused uncertainties of the future effects of the Convention. This study reveals how U.S. economic interests are threatened if other countries impose protectionist measures to promote their own cultural expressions. The United States actively opposed the Convention as it incorporates economic terms such as ‘goods’ and ‘services’ and further emphasizes the unclear boundaries between cultural and economic matters. This thesis also reveals how the current situation in 2005 motivated the United States to oppose the Cultural Diversity Convention due to:

- the significant and growing contribution of the cultural industries to its GDP and the employment rate,
- the all-time high trade deficit in the country,

- new trends in consumer preferences typically associated with post-modernistic life style, which may hurt American export in the future,
- the increased recognition of soft power as a mean to influence other societies through the spread of cultural messages.

Promoting cultural diversity is a complicated task and there will consequently be several opinions on how this is best ensured and achieved. The United States adopts a unique political strategy to deal with domestic cultural affairs compared to other Western nations, in particular the EU. In the United States, culture and its expressions are to a large degree allowed to evolve freely without governmental interference. Although corporate interests often benefit economically from such policies, normative arguments are applied when defending this approach. Cowen's cultural optimism theory gives an account of what the United States considers as appropriate approaches to deal with cultural affairs. This argument was also applied when opposing the Cultural Diversity Convention. Cowen's involvement in the work in the drafting process, both as a representative of the U.S. government as well as an individual expert, signifies the cultural optimism stance the United States takes in cultural affairs, both domestically and internationally. The United States claimed to defend fundamental democratic ideals such as the freedom of expression and freedom to choose. The Convention text was considered as vague and contradictory, and therefore does not guarantee misuse and restrictions on these freedoms.

Perceptions will bias opinions (Herrmann & Shannon 2001) and will necessarily affect the way in which the political arguments were formulated. Although this analysis cannot provide a clear understanding of the exact role of perceptions at an individual level, perceptions appear to have motivated actions when considering the United States':

- 'fear of other states implementing protectionist measures against the export of American cultural industry',

- 'fear of other states violating democratic ideals which may lead to less appeal for the American culture',
- 'understanding of how cultural diversity best is ensured by focusing on *free evolution* versus *protection*',

Few deny the significant impact the American culture has on the rest of the world. However, how one considers the United States' cultural strength will affect how my findings are analysed. There are two possible readings of this. On the one hand, it is the common perception that the country is the only super-power in a unipolar world system and constitutes the new colonial power, including a cultural hegemony. On the other hand, one may conceive a multipolar world, in which the world is not threatened by one single cultural super-power and that diversity of cultural expressions around the world is flourishing (Padis 2002: 274). Which position one takes will bias the way one understands and explains the U.S. opposition to the Convention on Cultural Diversity. The present study has not been aiming to measure the cultural power of the United States, other than stating that it is significant. Rather, the analysis has departed from a view that assumes, in accordance with neo-realists assumptions that countries, including the United States, seek to maximize income and increase its relative power. Threats to the U.S. cultural influence, no matter how severe it is, will shape the perceptions of the country's politicians and bureaucrats engaged in international affairs and through which actions and reactions are being implemented.

The dynamic relationship between culture, trade, and politics discourages a concise answer to the research question posed at the start of this thesis. Although 'normative obligations' can provide fruitful explanations to why the United States opposed the Convention, this variable cannot easily explain why the opposition was so strong and involved high-level officials from the U.S. government. The applied normative arguments used by the United States appear rather multi-faceted and are referring to several political goals, whereas 'material interest' on the other hand, appears more obvious and concrete. One can hardly deny the immense force of economic interests

when analysing the U.S. behaviour. Compliance to norms may therefore *not* be a product of normative appropriateness, but may rather be derived from calculations over utilitarian consequences. Perceptions thus seem to have played a role by biasing what is considered as a normative obligation.

6.2 Recommendations

Due to the shortage of academic literature concerning how pragmatism and idealism operate in cultural affairs, I consider this project to serve a useful input to future studies on this dynamic relationship. The notion of ‘cultural economy’ as a source for economic development, both in developing and developed nations, is still something of a novelty, and further reflection is required in order to understand the full potential while simultaneously maintaining a grasp of the practical limitations (Power & Scott 2004: 10). The subject will not be of any less importance due to the expansion and increased liberalization of global trade. Also, I argue that ‘culture’ deserves a more prominent position in political science research as an increasing number of references are being made to cultural matters such as “clash of civilizations” and “cultural wars”.

A general recommendation concerns the United States’ position in the global trade system for cultural products and services. Cultural hegemony is an emotional issue to many, but the actual impact of American power on other societies ought to be scrutinized. Central questions are: In what way does American culture actually influence and shape other cultures? And, is the amount of the world’s cultural diversity disappearing under the waves of American market dominance? Although a number of case studies have been conducted on this topic²⁰ these questions are still very much undiscovered. Is it possible to refer to the export of American cultural values as a “cultural Chernobyl”, or does the export result in emergence of entirely *new* cultures leading to the creation of a ‘global village’ in which a large variety of cultures meet and creates new cultural expressions?

²⁰ See among others Berger and Huntington (2002) and Rousset (2006)

In addition to this general recommendation, a number of interesting research areas related to the Cultural Diversity Convention itself is hereby presented and encouraged. First, as one of my sources at UNESCO's Head Quarters argued, the 'big bad wolf' in the conflict over the Convention on Cultural Diversity is not necessarily the United States, but is actually France. It would be of great interest to conduct a study of France's motives for initiating and voting in favour of the Convention. France typically takes a cultural pessimism approach in cultural affairs (Rousset 2004), but has also great economic interests in its cultural industries. To what extent did the country persuaded to take the question of trade in cultural products and services off the agenda in WTO and place it in UNESCO where normative arguments to a larger degree are considered? Also, as Cowen (2006) noted, how do France and Canada's motives for voting in favour of the Convention differ from the motives of countries such as China and Cuba?

Second, it has been suggested that if the United States gives space to local cultural industries in other countries, a large number of nations will help the United States against piracy which is a severe economic threat to the U.S. economy (National Public Radio 2003). It would be of great interest to conduct a study on how and to what extent the United States, after the lost battle in UNESCO, accelerates the use of bilateral agreements on trade in cultural products and services.

Last, a study on the practical consequences of the Cultural Diversity Convention would be of importance. It has been suggested that the dispute over the Convention between the "rest of the world" and the United State has left bruises that may haunt both future international trade talks and the American role in UNESCO (Riding 2005a). To what degree is this true? Also, the overwhelming number of UNESCO Member States voting in favour of the Convention is a sign of an international agreement of the national right to form own cultural policies. To what degree do states institute national policies on the basis of the Convention and how is the text interpreted?

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